

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Case No. 15CR38

Plaintiff,

vs. December 1, 2015
9:00 a.m.

DAVID W. VICKERS, Volume 2

Defendant.

TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE
AND A JURY

APPEARANCES:

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1 TUESDAY, DECEMBER 1, 2015, 9:06 A.M.

2 THE COURT: Please be seated, ladies and
3 gentlemen.

4 Good morning, everyone.

09:06:49 5 Mr. McDonough, is the government ready for
6 opening statement?

7 MR. McDONOUGH: May it please the Court,
8 yes, Your Honor.

9 THE COURT: Please go ahead.

09:07:01 10 MR. McDONOUGH: "I think girls are ready
11 sexually at nine to 14 so she is right there. I mean,
12 she's developing now. Her little body is just prime to
13 be used for pleasure, and I can watch her develop through
14 the years as she gets older. Trust me, I'm more about
09:07:26 15 getting into her panties than yours. Right now, I want
16 Kate. I was just getting into child porn when AOL was
17 first around. I watch it, I get sucked into it. I watch
18 some stuff on KIK, 13, 14-year-olds. I was -- hmm,
19 that's what I really want at this point. That's what I
09:08:01 20 can really get."

21 Those are the words of David W. Vickers,
22 and on January 5th, 2015, he woke up in his home in
23 Virginia and drove to Parma, Ohio with the intention of
24 engaging in illicit sexual conduct with a 13-year-old
09:08:27 25 girl.

1 And after he arrived in the parking lot of
2 Jordan's Family Restaurant, he was not met by a
3 13-year-old. He was met by investigators of the Ohio
4 Internet Crimes Against Children task force, and he was
09:08:43 5 arrested.

6 This was an undercover operation conducted
7 by Special Investigator Miranda Helmick of the task
8 force. The task force is composed of state and federal
9 agents who work together to protect children from online
09:09:00 10 predators.

11 This began back on December 12th, 2014.
12 There's a website called the Experience Project. Special
13 Investigator Helmick had created a profile on the
14 website, and that profile was that of a mother who was 29
09:09:25 15 years old and the name was Traci Black. She also had a
16 profile for a daughter, a 13-year-old daughter named
17 Katie Black.

18 The Experience Project is a social network
19 where people can join anonymously, share their
09:09:56 20 experiences, communicate, interact with each other and
21 share pictures.

22 And on December 12th, 2014, the defendant
23 friended Special Agent Helmick's profile. There was
24 communications going on, and as part of the undercover
09:10:18 25 operations it was presented that the mother profile, she

1 was 29, could not have any more children. She had a
2 13-year-old daughter, and wanted to breed that
3 13-year-old daughter. And this defendant was interested
4 in having illicit sexual conduct and impregnating the
09:10:41 5 13-year-old.

6 You will have as evidence some of the
7 messages that were communicated by the defendant and by
8 Special Investigator Helmick on this Experience Project.

9 In addition to that form of communication,
09:10:59 10 the communication also moved to recorded calls. You're
11 going to hear during the course of this trial four
12 recorded calls that took place on December 12th and on
13 December 15th, between the defendant and Special
14 Investigator Helmick.

09:11:20 15 In addition to those recorded calls, there
16 was also text message communication, over 150 pages of
17 text messages, and some of those text messages through
18 Google Voice text messages are what I read to you.

19 Those messages are explicit and those
09:11:46 20 messages indicate time and time again the defendant's
21 intention to come to Ohio to engage in illicit sexual
22 conduct with a 13-year-old.

23 In addition to the Google Voice text
24 messages, there were also the use of a social media app
09:12:07 25 called KIK, K-I-K.

1 This is an application that allows users to
2 send messages, pictures, and videos. In this case, the
3 defendant sent 27 videos of child pornography and
4 bestiality, and sent them to both profiles, so
09:12:37 5 13-year-old Katie's profile as well as to the mother
6 profile in this case.

7 These videos are disturbing and you will
8 see representative samples of these videos which include
9 teenagers as well as pre-teens that are engaged in
09:12:58 10 illicit sexual conduct. We will play those
11 representative samples, and those include bondage with
12 ropes and things of that nature.

13 There were also videos of bestiality
14 involving dogs and a horse that we will play
09:13:15 15 representative samples for you.

16 It is the government's burden, and the
17 evidence will show, that there are three counts against
18 the defendant in this case, and the time periods are as
19 follows:

09:13:31 20 The first time period is from
21 December 12th, 2014 when they first met on the Experience
22 Project website, all the way to January 5th, 2015 when he
23 was taken into custody in Parma, and that is that the
24 defendant did attempt to persuade, induce, entice, and
09:13:53 25 coerce the 13-year-old to engage in illicit sexual

1 conduct.

2 Actually, the evidence will show that he
3 actually sent a video and pictures, "This will be us,"
4 through this, the KIK social media app.

09:14:10 5 In addition, from the time period of
6 December 15th, 2014 until December 31st, 2014, during
7 that time period are the charges involving that the
8 defendant did knowingly distribute numerous computer
9 files of real minors engaged in sexually explicit
09:14:32 10 conduct, and these are minors that are under the age of
11 18, and that in addition to that, that it traveled
12 through the social media app, the KIK app, and traveled
13 through interstate or foreign commerce throughout the
14 Internet in this case.

09:14:49 15 And then the last count for your
16 consideration will be that the defendant, on January 5th,
17 2015, did travel in interstate commerce, did travel from
18 the State of Virginia to the State of Ohio for the
19 purpose of engaging in illicit sexual conduct. In Ohio,
09:15:12 20 the age of consent is 16. The 13-year-old profile was
21 obviously under that age.

22 You will have an opportunity to hear the
23 recorded calls, to see the Google Voice text messages, to
24 see the communications via the Experience Project as well
09:15:32 25 as the social media KIK app.

1 You will also have an opportunity to see
2 the photographs that were taken. While the defendant was
3 traveling on the turnpike from Virginia to Ohio, he used
4 his iPhone to send pictures to the mother profile. Those
09:15:55 5 pictures, "I'm on the way, I'm at the turnpike stop,
6 here's my turnpike receipt, I'm coming, I'm coming to
7 Parma, Ohio."

8 At the time of his arrest, there was an
9 inventory search of his vehicle. He had rented a Jetta
09:16:20 10 for the day, and one item that we were able to recover
11 was a phone. It was a brand new phone in a gift package,
12 and that phone was specifically for the 13-year-old girl.
13 He had brought her a gift, as had been discussed.

14 That is a preview of the evidence that you
09:16:43 15 will hear in this case. After you consider all the
16 communications and all the evidence, the United States
17 will ask you for a finding of guilty on all counts.

18 Thank you.

19 THE COURT: Thank you, Mr. McDonough.

09:16:56 20 Mr. McCormack.

21 MR. GREG McCORMACK: Thank you, Your Honor.

22 Good morning.

23 THE JURORS: Good morning.

24 MR. GREG McCORMACK: It's going to be a
09:17:20 25 difficult case. Nobody wants to hear the things you

1 already just heard. And these are things that you read
2 about in the paper. You just don't want to hear this
3 stuff.

4 David Vickers traveled on 5, January, to
09:17:42 5 Ohio from Virginia, there's no question about that. He
6 was arrested in Ohio. And you're going to hear telephone
7 calls that were recorded. You're going to hear and see
8 these communications he had with this undercover agent.
9 You're going to hear and see some videos that you never,
09:18:19 10 ever want to see. It's all evidence in this case.

11 Remember, the United States has the burden
12 of proof in this case from beginning to the end. And the
13 burden is to prove basically what was in his mind, what
14 he intended to do.

09:18:53 15 And you have to get that evidence from the
16 information that the prosecutor is going to present to
17 you, and it's going to come in several different formats.

18 As the prosecution has indicated to you,
19 the United States started this case pretty much as a
09:19:16 20 sting operation, and what we have -- and I have a short
21 PowerPoint to show you, and this is just a snippet of
22 what you're going to hear and see in this case, if I
23 could pull this up, please.

24 In December, this Experience Project, the
09:19:44 25 undercover agent, Ms. Helmick, starts her communication

1 with David Vickers. David Vickers is jbeaver9754, and
2 this is how it starts.

3 "Me" is the agent and as she says "I'm
4 1229 but I'm on here looking for my daughter."

09:20:19 5 If you go to the next page, and this is
6 actually just one page, you're going to have this all
7 laid out to you, but for PowerPoint purposes we have to
8 lay it out on different pages.

9 Next slide, please, because I have to
09:20:39 10 highlight this a little bit. And she immediately gets to
11 the point. "I can't have more kids but I always wanted a
12 big family. So I'm looking for someone to breed her and
13 maybe think about a long-term arrangement."

14 All right. This is the beginning of the
09:20:56 15 sting operation. This undercover agent now grasps ahold
16 of Mr. Vickers and says, "I'm looking for someone to
17 breed her and maybe think about a long-term arrangement."

18 And down the road a little bit you see her
19 daughter, this is Katie, so she throws out Katie. Now,
09:21:38 20 understand, Katie does not exist. And what we're going
21 to ask the agent when the agent testifies, who is this
22 picture, who is this. But this is what's presented to
23 Mr. Vickers as Katie.

24 We're going to talk to this agent because
09:21:55 25 you're going to see Mr. Vickers, throughout all these

1 chats and all these communications, Mr. Vickers asks
2 extensively about Katie. From the beginning to the end,
3 literally right to the end, he wants to know is Katie
4 real.

09:22:21 5 This agent is trying to get this man to
6 cross state lines to engage in sexual activity with
7 Katie, and Mr. Vickers is nonstop -- and you're going to
8 see the communications -- "Well, I want to know about
9 Katie. Is Katie real? Does Katie even exist?"

09:22:51 10 Now, he's the guy that's charged with
11 enticing Katie, and she's the one who's enticing him with
12 Katie, and he keeps asking time and time again the fact
13 is Katie real. Repetitively asking, "I want to know
14 about Keith."

09:23:25 15 Now, who is this agent? Understand, this
16 is a sting operation. This operation is to get him
17 involved with Katie, and this is a mom who's 29 who's
18 trying to entice him to breeding Katie.

19 Now, you would think the goal here is to
09:23:47 20 have him interested in Katie, not the mom, but yet as
21 you'll see in a second that's not where this thing's
22 going because, as you'll see, let's take a look at who
23 the mom is. This is the mom.

24 Now, look at Mr. Vickers' response. "Wow,
09:24:23 25 you're hot."

1 Now, you immediately have to have a
2 question in your mind, well, wait a minute, this is a
3 federal law enforcement operation here. What's going on?
4 We're trying to entice this man into engaging in sexual
09:24:45 5 activity with this girl, yet what is this? Is this
6 necessary? Why are we trying to get him interested in
7 her?

8 Well, it doesn't stop there. How about
9 another picture of mom? "Oh, my God, you're hot."

09:25:23 10 Now, as you can see, and this is throughout
11 this entire operation here takes place in three weeks,
12 Mr. Vickers' interest is very clearly developing in the
13 agent. And this becomes a problem in this operation, and
14 the agent, as you'll see during examination, maybe not on
09:25:46 15 direct but certainly on cross-examination, the agent
16 realizes this is a problem; this man's a lot more
17 interested in the agent than in this kid.

18 This is a major problem with this thing.
19 This thing is going south real fast, and it's becoming a
09:26:08 20 real problem.

21 And you'll see that in the words of the
22 agent, which I'm going to show you in a second. But it
23 doesn't stop here. No, we got to keep this guy involved,
24 we have to keep him interested in this child so let's not
09:26:31 25 stop at where we're at here. Let's get him a little bit

1 more interested in mom.

2 Oh, yeah, this is a real good government
3 activity here. "Jesus, you're a knockout." Are these
4 real tattoos or did they just kind of put them on her
09:27:01 5 body for Mr. Vickers? I guess you could show a little
6 bit more cleavage here for Mr. Vickers' purposes.

7 I mean, there's a reason we're doing this
8 in a government sting operation, trying to get a person
9 interested in a 13-year-old child, to try to get him to
09:27:27 10 entice this child across state lines. Is there a reason
11 we're doing this? Well, we'll ask a few questions like
12 that. Maybe we'll have some good answers for this stuff.

13 Now, Mr. Vickers, you know, again, all
14 right, you're trying to, you know, get me to breed Katie.
09:27:59 15 Your e-mail starts with, you know, "I want -- I want to
16 breed Katie, I want you to breed my daughter." For your
17 Experience Project, that's where it starts out, you're
18 the first one that says that, "So can I get some more
19 pictures of Katie?" Okay.

09:28:21 20 Well, that sure looks like a current
21 picture. Wonder who that picture is. All right. And as
22 you'll see throughout, Mr. Vickers is questioning is this
23 real, is this child real.

24 Let's go to some of the communications that
09:28:54 25 take place on the Google chat that the government refers

1 to. The blue is Mr. Vickers.

2 This is Government's Exhibit 20, Page 31.

3 You'll see this.

4 "I noticed you don't answer any my sex

09:29:19 5 questions." In other words he's asking Traci sex

6 questions. He's trying to talk to Traci about sex. And

7 then down a little bit he says, "Well, I thought this

8 would be a mutual thing." And her response was

9 "Eventually, maybe, but not right now."

09:29:40 10 "Oh, why not? We've had this discussion.

11 It's about Katie this first time."

12 All right. So she's making it very clear,

13 if you want to have sex with me, you can have sex with

14 Katie first.

09:30:04 15 "Oh, sorry, I just got into you, so into

16 you."

17 All right. The next line just says it all,

18 okay. This just says it all. This is your government

19 investigation right here. "I just don't want to cloud

09:30:20 20 the ultimate goal here at this moment."

21 You know, the ultimate goal here is to get

22 this man across state lines to get this man to say what

23 he needs to, quote, unquote, meet the elements for the

24 offense of solicitation and enticement of a girl to

09:30:39 25 engage in sexual activity to nail his butt to the wall.

1 That's the ultimate goal. Get him to say
2 what he needs to say. Get him to cross the state lines.
3 "I'm going to keep hanging me out there with these kind
4 of pictures, let you think that, you know, you can have
09:31:03 5 sex with me down the road. That's going to be hanging
6 out there, but the ultimate goal, David, all right, is to
7 nail your butt to the wall."

8 This is a federal sting operation. That's
9 how it works, Mr. Vickers. Let's throw some child porn
09:31:29 10 distribution charges in there along the way. That's the
11 ultimate goal.

12 "Understood. I just got so sidetracked,
13 sorry. I just got so emotionally tied up with you.

14 "I just want to be with you so bad, but
09:31:56 15 just got paranoid.

16 "You're just super amazing. I don't want
17 to lose you."

18 Okay. I think it doesn't take too long to
19 see what's going on here, members of the jury. And you
09:32:18 20 can't like this. It's page after page after page of this
21 stuff. And sure, along the way, and you're going to see
22 his communications on KIK, you're going to see his
23 communications with Kate, you're going to see because he
24 gets the message, along the line, you're going to see
09:32:41 25 that she's getting him to the point where he's saying all

1 kinds of stuff to Katie because that's what he needs to
2 do to keep her going.

3 You're going to see all the KIK messages to
4 Katie, all the sexual contents, all the sexual
09:33:05 5 communications to Katie, because that's what he's got to
6 say to keep her going, because that's the ultimate goal.
7 "You want me, you got to keep playing along with Katie."
8 Even though he doesn't even think Katie exists.

9 Understand, this Experience Project is kind
09:33:33 10 of like a fantasy world, and we'll talk about that. It's
11 a role playing. It's experiences. Actual, fantasy, who
12 knows.

13 The agent, her words, "I think I've clouded
14 your wants and desires. I pushed Katie on you and I'm
09:34:19 15 sorry for that."

16 So the agent recognizes what she's done
17 here. Maybe at this point she recognizes when she sends
18 these pictures out to this guy, she went way, way, way
19 too far.

09:34:34 20 Maybe it was time to shut this thing down
21 and just cut it off. The problem is she had him hook,
22 line and sinker at this point. He couldn't cut it off.

23 I just, "I think you're into me and you
24 just said whatever you thought I wanted to hear.

09:35:09 25 "Yeah, I think so."

1 the prior times. "I had second thoughts. I don't think
2 I can morally do this after all."

3 I mean, here's David, he's really saying,
4 "I was trying to get with you more than anything, but the
09:37:32 5 more I wrap my brain around it, I was saying and doing
6 things that weren't true to myself just to impress you
7 instead."

8 All right. "Most of the things I said
9 weren't true after all."

09:37:47 10 And here's, I mean here's the true words of
11 a real good agent of the United States Government,
12 awesome. "I knew you were like the last guy. You're an
13 asshole."

14 I'll tell you, that's the words of a true
09:38:04 15 agent of the United States Government. He's saying, "I
16 can't do this" and her words are, "You're an asshole."

17 Boy, that's -- that's just, I mean, she
18 deserves an award for that one, Agent of the Year.

19 "I can't do this.

09:38:35 20 "David Vickers, you're an asshole because
21 you can't morally do this. You're an asshole."

22 Page 104. He's again questioning. He
23 keeps asking, "Is Katie real," and her response, and
24 again you're going to get to see all of this, I'm just
09:39:07 25 giving you a snippet. "I feel like I've proved we are

1 very real over and over, yet you still doubt."

2 Here's his response, "Because I never saw
3 the pic of you together, or let me talk on the phone with
4 her."

09:39:24 5 He's asking her repeatedly, "Give me a
6 picture of the two of you together, let me know that
7 Katie is real, okay."

8 Because what would he have done? You know,
9 morally he just told you he can't do this. "If this is
09:39:41 10 real, I can't do this."

11 THE COURT: Mr. McCormack, too much closing
12 argument.

13 MR. GREG MCCORMACK: Yes, sir.

14 And as you see from the assorted chats,
09:39:57 15 he's asked her on numerous occasions, let me talk on the
16 phone with her. Never happened.

17 So who did he travel up to see on 5,
18 January? Right there. (Indicating).

19 Remember, it's tough. David Vickers is not
09:40:35 20 guilty of this. You heard the AUSA went so far as to
21 give him advice as to go to the website KIK.com that has
22 links of child porn on it. It just -- it didn't stop.

23 When he was arrested, his car was searched.
24 At one point in the chats, you're going to see that she
09:41:09 25 suggested that he buy her daughter panties, underwear to

1 bring up with him. No panties in the car. No luggage in
2 the car.

3 There's reference to them talking about,
4 you know, drugging her, stuff again you just don't want
09:41:35 5 to see, you don't want to hear. There's so much fantasy
6 talk going on here. As I said, there's talk about animal
7 sex. It's just a lot of disgusting stuff you're going to
8 hear. All right. There's no goofy pills, there's no
9 drugs in the car, nothing.

09:41:55 10 Okay. The phone was in the car. All
11 right.

12 Members of this jury, David Vickers is not
13 guilty of these charges. I ask that you look at these
14 chats, these communications, listen to these phone calls.

09:42:19 15 You're going to hear repeatedly requests by
16 David Vickers about Katie, about who she is,
17 confirmations, but throughout, throughout this entire
18 three-week period, one theme from the beginning to end is
19 very clear: He wanted to be with this woman right here.

09:42:56 20 Second thing was very clear, this agent let
21 him know that that was possible, that that could happen.
22 However, he had to convince Katie, if there was such a
23 person, to engage in sexual activity; that he had to
24 cross state lines to engage in sexual activity with
09:43:40 25 Katie, but he didn't think Katie actually existed.

1 So he crossed state lines to engage in
2 sexual activity and start a relationship with this
3 young -- with this woman right here. He's not guilty of
4 these charges, and I ask for a finding of not guilty on
09:43:57 5 all charges.

6 Thank you.

7 THE COURT: Thank you, Mr. McCormack.

8 MR. GREG MCCORMACK: Thank you.

9 THE COURT: Mr. McDonough, is the
09:44:48 10 government ready for its first witness?

11 MR. McDONOUGH: Yes, Your Honor.

12 The government will call Special
13 Investigator Miranda Helmick.

14 THE COURT: Please be sworn.

09:45:09 15 MIRANDA HELMICK,
16 of lawful age, a witness called by the Government,
17 being first duly sworn, was examined

18 and testified as follows:

19 THE COURT: Please have a seat.

09:45:37 20 When you're ready, Mr. McDonough.

21 MR. McDONOUGH: Thank you.

22 DIRECT EXAMINATION OF MIRANDA HELMICK

23 BY MR. McDONOUGH:

24 Q. Good morning. Could you please state your name and
09:45:47 25 spell your name for the benefit of the court reporter?

1 A. Miranda Helmick, M-I-R-A-N-D-A, H-E-L-M-I-C-K.

2 Q. By whom are you employed?

3 A. I'm a Special Investigator with Ohio Internet
4 Crimes Against Children task force, employed by Cuyahoga
09:46:03 5 County Prosecutor's Office.

6 Q. What are your duties and responsibilities as a
7 Special Investigator with the Ohio Internet Crimes
8 Against Children task force?

9 A. My duties include investigating persons and cases
09:46:18 10 involving child exploitation and child pornography, and I
11 do this through a variety of means.

12 I do proactive undercover investigations.

13 I investigate peer-to-peer networking where child
14 pornography is traded, as well as investigating cyber
09:46:36 15 tips that come from the National Center for Missing and
16 Exploited Children.

17 And this can come from the public, social
18 media sites, and they report child exploitation and child
19 pornography.

09:46:50 20 Q. Can you tell me a little bit about who comprises
21 the Ohio Internet Crimes Against Children task force?

22 A. It's a multi-agency task force. We have agents
23 from the Secret Service, members from the Sheriff's
24 Department in Cuyahoga County, Cleveland Police
09:47:11 25 Department, as well as investigators from Cuyahoga County

1 Prosecutor's Office.

2 Q. Do you have any law enforcement experience?

3 A. I do. I have been a law enforcement officer since
4 June of 2014, and I have been working with Cuyahoga
09:47:27 5 County Prosecutor's Office, Ohio Internet Crimes Against
6 Children task force since September of 2014.

7 Q. Do you have to have any training or education to
8 become a Special Investigator and to keep current?

9 A. Yes. I went through the police academy. I am
09:47:47 10 certified through the State of Ohio to be a peace
11 officer.

12 And I also attend trainings monthly in
13 order to learn new techniques and also be able to
14 identify child pornography, child exploitation,
09:48:03 15 interviewing children, things of that nature.

16 Q. Is the task force unique to Ohio, or are there
17 others nationwide?

18 A. It is nationwide. In every state there are several
19 what we call ICAC, Internet Crimes Against Children or
09:48:21 20 ICAC, and we work together with local and state agencies.

21 Q. Are there protocols or rules that you have to
22 follow being on the task force?

23 A. There are. We do have standards which include how
24 we conduct undercover investigations or how we send
09:48:43 25 pictures when we're conducting undercover operations.

1 Q. What are some of those standards regarding sending
2 pictures?

3 A. The picture needs to be a law enforcement officer
4 or someone that deals with law enforcement.

09:49:00 5 It cannot be child pornography or any nude
6 photos.

7 Q. Now, the pictures that we saw during opening
8 statement, are you familiar with those pictures?

9 A. Yes, I am.

09:49:12 10 Q. And who are those pictures?

11 A. The younger 13-year-old Katie pictures are me when
12 I was approximately between the ages of 12 and 14.
13 Various pictures through those stages of my life.

14 And then the adult mother pictures are of
09:49:30 15 me currently.

16 Q. And is that in compliance with the standard and
17 protocols for the Ohio Internet Crimes Against Children
18 task force?

19 A. Yes, it is.

09:49:39 20 Q. Are you familiar with the website the Experience
21 Project?

22 A. Yes, I am.

23 Q. How are you familiar?

24 A. I conduct numerous undercover operations online,
09:49:54 25 and I join social media sites. I use, you know, text

1 messaging apps so I have profiles on many social media
2 sites.

3 Q. What is the Experience Project?

4 A. Experience Project is a free social media
09:50:11 5 application where users can connect. They become
6 friends. They can share experiences, pictures, videos.
7 And there's, like, a private chat function within
8 Experience Project.

9 Q. Okay. Are the users of the Experience Project
09:50:30 10 known or unknown?

11 A. It's anonymous. You pick a user name and join the
12 site, and through communication you just talk to other
13 users.

14 You might not necessarily know their real
09:50:48 15 name or where they live. It's up to each user to put on
16 their profile what they want to convey to other people.

17 Q. How do the anonymous users send private messages on
18 the Experience Project?

19 A. A user would have to send a friend request to join
09:51:06 20 someone else's friend circle as it's called on Experience
21 Project, and then from there it's very much like Facebook
22 in private messaging back and forth between users within
23 your friend circle.

24 Q. Are you familiar with an anonymous user profile
09:51:27 25 jbeaver975?

1 A. Yes, I am.

2 Q. How are you familiar with that profile?

3 A. I had my profile on Experience Project for some
4 time, and on December 12th of 2014 I received a friend
09:51:44 5 request from a user with the user name jbeaver975.

6 I did add him to my friend circle.

7 Q. Okay. Did you later learn the identity of
8 jbeaver975?

9 A. Yes, I did.

09:51:57 10 Q. And who was the identity of jbeaver975?

11 A. David Vickers.

12 Q. Is David Vickers in the courtroom today?

13 A. Yes, he is.

14 Q. Could you please identify him?

09:52:08 15 A. It would be the man in the white shirt and the
16 striped tie.

17 MR. McDONOUGH: Okay. Your Honor, may the
18 record reflect this witness has identified David Vickers?

19 THE COURT: She has.

09:52:22 20 BY MR. McDONOUGH:

21 Q. Turning your attention to Government Exhibit Number
22 9, do you recognize Government Exhibit 9, which consists
23 of 28 pages?

24 A. Yes, I do.

09:52:56 25 Q. What is Government Exhibit 9?

1 A. These are private chat messages contained on
2 Experience Project between user jbeaver975, which is
3 David Vickers, and myself. It will say "Me," but that is
4 my profile.

09:53:14 5 Q. Okay. How are you able to -- were you able to
6 create Government Exhibit 9 regarding these private
7 messages?

8 A. I'm sorry, could you repeat that?

9 Q. How were you able to get the printouts?

09:53:25 10 A. I logged onto my profile and took a screenshot of
11 each page and saved them.

12 Q. Okay. Do Pages 1 to 28, are these accurate copies,
13 true and accurate copies of the screenshots that you took
14 from the Experience Project?

09:53:46 15 A. Yes, they are.

16 Q. Okay. Directing your attention to the top,
17 underneath the jbeaver975 profile, there's a date range
18 there.

19 Do you see where it says "Four days ago"?

09:54:07 20 A. Correct.

21 Q. What does that refer to?

22 A. When I took those screenshots of the text
23 messaging, the private text messaging on the application
24 Experience Project, it saved from the date that I took
09:54:24 25 the screenshots and so it indicated four days ago, which

1 was, in fact, December 12th of 2014.

2 Q. Okay. So December 12th, 2014, that is when
3 the -- the first message from JB -- jbeaver975, the
4 defendant, to you, correct?

09:54:43 5 A. That is correct.

6 Q. And can you tell us the conversation that took
7 place?

8 A. It started out with me stating my age, saying I was
9 on here for my daughter.

09:55:01 10 Q. And can you tell us, what did you mean by that when
11 you said, "I'm 29 but I'm on here looking for my
12 daughter"?

13 A. After viewing the profile and investigating the
14 profile of jbeaver975, I talked about this in particular,
09:55:22 15 the daughter, and myself as a mother, based off of the
16 profile of jbeaver975.

17 Q. So you were able to look at jbeaver975, the
18 defendant's profile?

19 A. That's correct.

09:55:34 20 Q. After viewing that, that's when you went ahead and
21 put on "I'm here looking for my daughter"?

22 A. That's correct.

23 Q. Okay. And what was -- what was his response?

24 A. He responded, "Looking for your daughter for? How
09:55:51 25 old is she?"

1 Q. And what was the conversation?

2 A. I told him that she was young so I needed to be
3 discreet and I did state that her age was 13.

4 Q. Um-hmm. And his response?

09:56:07 5 A. I don't have that on my screen.

6 Q. Okay. We'll pull that up.

7 After you responded, "Young so I need to be
8 discreet," what did you mean by that?

9 A. I -- I was a little hesitant to say her age because
09:56:31 10 she is underage.

11 Q. And what was his response?

12 A. He said, "I can be discreet. Winky face. So let
13 me know if I can help."

14 Q. Okay. And what did you -- what did you understand
09:56:46 15 the winky face to mean?

16 A. That there was -- he was in agreement that it
17 should be discreet and he knew that it was -- the child
18 was underage so it would have to be discreet.

19 Q. What is the age of consent in Ohio?

09:57:03 20 A. Age of consent in Ohio is 16.

21 Q. Okay. You continued to have a conversation with
22 him regarding having a big family, and what was
23 your -- what was your purpose regarding that?

24 A. I stated, as the mother, Traci, that I was unable
09:57:22 25 to have more children, I had complications having my

1 13-year-old daughter Katie, but I always wanted a large
2 family.

3 Q. What did you mean by "Maybe think about a long-term
4 arrangement"?

09:57:38 5 A. A long-term arrangement would be like a long-term
6 relationship, not just a one-time --

7 MR. GREG McCORMACK: Your Honor, I object
8 at this particular point. The language on the --

9 THE COURT: Hold on, she can give
09:57:52 10 her -- give the jury her interpretation, her intent when
11 she did.

12 She's not going into the mind of the
13 defendant, so overruled.

14 Go ahead.

09:58:01 15 MR. GREG McCORMACK: Yes, sir.

16 A. By long-term arrangement, I meant long-term
17 relationship, more than just a one-time meeting.

18 Q. And when you say "relationship," between who?

19 A. Between my 13-year-old daughter Katie and
09:58:18 20 Mr. Vickers.

21 Q. Okay. What was his responses?

22 A. He was, like, he said, "Oh, wow, winky face, how
23 does she feel about this? I mean, is the guy going to be
24 with you for long-term and just breed her, or with her
09:58:44 25 for both?"

1 Q. Okay. And turning to Page 2, what was your
2 response?

3 A. I said "We've been looking for a while. Most guys
4 pussy out. She's excited about it. She's still a virgin
09:58:58 5 so you know how you always remember your first time."

6 Q. And his response?

7 A. "Oh, wow, this is exciting, smiley face." And
8 then "Where are you guys from, though? It's kind of hot.
9 Sorry for asking for some -- sorry for asking so much."

09:59:15 10 Q. All right. And your response?

11 A. I said "No, it's all right. I'm an open book and
12 enjoy others who are the same."

13 Q. So up to this point in the undercover operation,
14 what's your -- what's your purpose here regarding the
09:59:28 15 message exchanging with the defendant?

16 A. The purpose is to kind of feel out what someone is
17 interested in, and also to get to know the person and who
18 they portray themselves to be on Experience Project.

19 Q. Okay. How did the conversation continue?

09:59:48 20 A. We talked about location of where we both lived.

21 I said "We live right outside of Cleveland,
22 Ohio" and I asked him "You?"

23 He said, "I am very open to this. I live
24 in Maryland."

10:00:04 25 Q. Okay. Did he, in fact, live in Maryland?

1 A. He did not.

2 Q. Where did he live?

3 A. In Virginia.

4 Q. Okay. How did your conversation continue?

10:00:12 5 A. I continued with, "I'm on a couple fetish sites but
6 haven't been able to find anyone that follows through.
7 My daughter has talked to a few daddies, in quotation,
8 and they say they are coming but then last minute make
9 excuses."

10:00:29 10 And then I said "Oh, nice, we aren't too
11 far away from each other."

12 Q. What was the defendant's response? After turning
13 to Page 3.

14 A. He states, "Well, the age thing doesn't bother me
10:00:43 15 and a mother's consent makes it a lot easier to do
16 things. Just saying."

17 And then, "Well, let's start talking and
18 see where this goes."

19 Q. And your response?

10:00:53 20 A. I said "Awesome. Most people get all scared. I'm
21 very discreet so I want someone else that is discreet as
22 well. The last thing I want is to lose my daughter. She
23 is my world and I want the very best for her."

24 Q. And his response?

10:01:07 25 A. "LOL. You think I want to go" -- excuse me.

1 "LOL. You think I want to go to up for
2 something like this."

3 Q. What is LOL?

4 A. Laugh out loud.

10:01:26 5 Q. Okay. His next line?

6 A. I am Jason, by the way.

7 Q. Was his name, in fact, Jason?

8 A. It was not.

9 Q. And what did it turn out to be?

10:01:35 10 A. David Vickers.

11 Q. Okay. Did you provide your information?

12 A. He asked me, "What's your name and her name" and I
13 said "My name is Traci and my daughter's name is Katie.
14 Well, her full name is Kaitlin but goes by Katie."

10:01:55 15 Q. Why did you set up a profile for you as Traci and
16 then a 13-year-old as Katie?

17 A. I do conduct a lot of different undercover
18 investigations on various websites, and I have these
19 profiles that I have used in the past on fetish websites
10:02:19 20 that cater to incest or relations between family members.

21 Q. Okay. You were actually behind both undercover
22 profiles.

23 Is that something that's common?

24 A. Yes, it is.

10:02:37 25 Q. Okay. And as opposed to having more than one agent

1 or investigator have a profile?

2 A. That's correct. We do a number of undercover
3 personas. Sometimes it's two people, you know, chatting
4 as the same -- one person chatting as two different
10:02:57 5 people, or sometimes we just chat as one person.

6 Q. Okay. And turning to Page 4, what was -- what was
7 his response?

8 A. "Nice to meet you, too. So what keeps you busy day
9 in and day out?" Then he said, "So she is 13. When is
10:03:18 10 her birthday?"

11 Q. And as part of your undercover profile, what was
12 your occupation?

13 A. I was a customer service manager for a call center
14 for DirectTV.

10:03:33 15 Q. What did the defendant ask?

16 A. He asked me "I work a lot. You?" And I said, "I
17 work a lot, too, but I'm lucky enough to work from home.
18 I'm a manager for a call center that provides customer
19 service to clients. Right now my client is DirectTV."

10:03:53 20 Then he asked, "Do you have a picture -- or
21 pic of Katie?" And then he said, "Fun. So you can watch
22 the baby during the day when she has one."

23 I responded "Exactly. And Katie can watch
24 the baby after school and stuff."

10:04:12 25 Jbeaver responded, "LOL, okay."

1 And then I stated, "I do have pics of her
2 but I'm a little hesitant to send pics out to people I
3 don't really know anything about. What are you looking
4 for?"

10:04:29 5 Jbeaver responded, "Well, I mean, I am
6 interested in doing this. I just want to see her face to
7 see what she looks like. I mean, like, teen girls, I
8 want kids, but those things are hard to accomplish in
9 life do the laws."

10:04:45 10 Q. Okay. Did you inquire about ages?

11 A. I asked him, "How old are you?"

12 He stated he was 33, almost 34. "Too old?"

13 Q. And was he, in fact, 33 at that time?

14 A. No, he was not.

10:05:04 15 Q. Okay. And how did your conversation continue?

16 A. I responded, "Not at all. Most of the guys I've
17 found and Katie has talked to are all in their fifties or
18 sixties and not very attractive. I want Katie to be
19 happy and excited."

10:05:26 20 He asked, "What race are you guys?"

21 I stated, "We are both white. You?"

22 He responded, "LOL, sixty and 13? Wow, I
23 could see where that would not excite her. I am white."

24 Q. And turning to Page 6, did you have an opportunity
10:05:53 25 to send a picture via the Experience Project?

1 A. That is correct.

2 Q. How were you able to do that?

3 A. I have pictures for my -- my Katie profile saved on
4 my computer, and uploaded the saved picture onto the
10:06:15 5 private chat function on Experience Project.

6 Q. Okay. You sent this photo about 10:32 a.m. on
7 December 12th, 2014?

8 A. That's correct.

9 Q. And this is your photo back when you were age 12 to
10:06:28 10 14?

11 A. Correct.

12 Q. Okay. What was the defendant's response?

13 A. "Wow, she is very pretty."

14 I asked him, "Do you have pics?" I said,
10:06:41 15 "Thank you." And then I asked "Did I lose you?"

16 He responded "How is her body?"

17 I responded "She's short and lean, not very
18 developed yet."

19 Q. And turning to Page 7, what was -- did he inquire?

10:07:04 20 A. He said, "Sorry. Oh, height?"

21 I responded, "I mean, she has a little bit
22 up top. I'm sure she will get bigger though. Big boobs
23 run in the family. LOL."

24 "At her last visit she was like four-ten,
10:07:21 25 I believe. I'm only five foot myself so I doubt she will

1 be tall."

2 He asked, "Wow, what's her cup? LOL, she
3 is so cute. You should let her corm spend a weekend me."

4 Q. What did you understand that to mean?

10:07:42 5 A. You should let her come spend a weekend with me.

6 Q. What did you reply?

7 A. I replied, "Like double A or A, depends on the
8 bra."

9 Q. And what are you referring to there?

10:07:53 10 A. A cup size for a bra for a female.

11 Q. And what did he ask?

12 A. "LOL. How cute. What is yours?"

13 I responded, "I'm a D or double D. Again
14 depends on the bra."

10:08:12 15 Q. And turning to Page 8.

16 A. He responded, "Wow, winky face. I guess I
17 shouldn't be asking you that stuff since it's about her.
18 LOL. My bad."

19 Q. And then at 10:56 on December 12th you end up
10:08:28 20 sending him another pic?

21 A. That is correct.

22 Q. And could you please describe that pic?

23 A. I took this picture in the summer of 2014. I was
24 camping, and it depicts me in a gray tank top, black Nike
10:08:48 25 baseball cap and sunglasses.

1 Q. And what was the purpose of sending him that pic of
2 you?

3 A. Just to show that I am actually a real person, I'm
4 a female, I'm saying who I am.

10:09:01 5 Q. During your investigation with the defendant, did
6 the idea of someone being real or being a person, did
7 that come up from time to time?

8 A. There was question about getting more pictures to
9 verify both, both people.

10:09:18 10 Q. And did you actually send pictures?

11 A. I did.

12 Q. Okay. What was his response after you sent that
13 picture of yourself?

14 A. He says, "Wow, you're hot."

10:09:27 15 Q. Okay. During the course of the investigation, did
16 the defendant express an interest in you?

17 A. He did.

18 Q. And did you respond to that over the course of the
19 investigation?

10:09:39 20 A. I did.

21 Q. Did the defendant express an interest in the
22 13-year-old Katie?

23 A. He did.

24 Q. Did you, during the course of your investigation,
10:09:51 25 did you set any kind of ultimatums with the defendant

1 regarding you or regarding Katie?

2 A. Could you repeat that?

3 Q. Sure. During the -- actually, I'll tell you what,
4 let me -- we'll go to Page 9.

10:10:08 5 And what was your -- what was your
6 communication with the defendant?

7 A. I stated, "It's all right. We need to be
8 comfortable around each other, too. I'm not going to let
9 just anyone be around my daughter."

10:10:22 10 I asked him "Do you have a pic? And
11 thanks."

12 He responded, "This whole idea is crazy but
13 so hot. I will get you a pic after work."

14 Q. And your response?

10:10:36 15 A. I -- I replied to him, "My profile pic is of me,
16 too."

17 He responded, "Wow, both of you guys are
18 amazing."

19 Q. And the conversation continued?

10:10:50 20 A. I said, "Thank you. What time are you off work?"

21 He replied, "LOL, depends on the day.

22 Why?"

23 I said, "Like today, I'm looking forward to
24 your pic."

10:11:04 25 He replied, "LOL, okay, like 6ish."

1 Q. Okay. Why were you asking for a pic from the
2 defendant?

3 A. I was trying to verify the identity of the person
4 for the profile jbeaver975.

10:11:21 5 Q. Turning to Page 10, can you go through the
6 conversation?

7 A. I asked him, "Okay. You just like to talk on here
8 or do you text?"

9 He said, "Up to you. I want you to be
10:11:37 10 comfortable."

11 I told him, "Well, if you feel like texting
12 at some point, my number is 216-931-0385."

13 Q. What was that number?

14 A. That is a Google Voice number that is a random
10:11:57 15 number that Google will assign to a user in order to hide
16 your real phone number.

17 Q. So if someone were to dial that Google Voice
18 number, that, after they dial that number, what happens
19 to the call? Where does it go?

10:12:17 20 A. The call is forwarded to my county-issued cell
21 phone that is used for undercover investigations on a
22 regular basis.

23 Q. Okay. That would be your work cell phone?

24 A. That is correct.

10:12:29 25 Q. So that's not the number of your work cell phone,

1 but just a way to go ahead and get to your work cell
2 phone?

3 A. That is correct.

4 Q. Okay. Does Google Voice have the ability to have
10:12:44 5 text messages?

6 A. Yes, it does.

7 Q. And did you have text messages in this case?

8 A. Yes, I did.

9 Q. Were you able to have printouts of the Google Voice
10:12:54 10 text messages on your phone?

11 A. There's an application where it will forward to
12 your phone in a text message format, or you can have
13 printouts on a computer and you can reply on your
14 computer in the form of a text.

10:13:15 15 Q. Okay. After you provided your Google Voice number,
16 what was the defendant's response?

17 A. "Is that your cell?"

18 I said, "Yep."

19 He said, "LOL, you're eager to move forward
10:13:33 20 with this, winky face."

21 I said, "Yes. You're not?"

22 He said, "No. I am, honest."

23 I asked, "What do you mean?"

24 He said, "No, I am very interested in
10:13:47 25 this."

1 Q. And turning to Page 11, what was the conversation?

2 A. "You seem very cool and open about stuff."

3 I said, "Okay. Cool. I'm glad you found
4 me, winky face."

10:14:01 5 He said, "And Katie is very lucky to have a
6 mom like you. She does want this, right?"

7 I replied, "Yes. We've had many
8 discussions about this. She may only be 13, but she is
9 mature for her age. She's at the age where she is
10:14:16 10 curious and wants to experience things. I just want to
11 be sure it's done in a safe environment and a good
12 environment for her."

13 Q. And what are you referring to regarding that?

14 A. In regarding her?

10:14:28 15 Q. Yes.

16 A. I wanted to make sure that she was not hurt in any
17 way and harmed physically.

18 Q. What was his response?

19 A. He said, "Wow, that's incredible that you're open
10:14:43 20 to it and that you guys can talk about it."

21 I said, "We live in a very open household.
22 I think that's the best way to be with kids."

23 He said, "LOL, awesome. I used to date a
24 girl and she had an adopted girl. She wanted a very
10:14:58 25 hope" -- excuse me -- "wanted a very open house

1 sexually." I asked, "Did you participate in that kind of
2 lifestyle?"

3 Q. I'm sorry, "Did you not participate"?

4 A. I'm sorry, "Did you not participate in that kind of
10:15:12 5 lifestyle?"

6 He said, "It was the way she was raised."

7 Excuse me. "It was the way she as raised. Yes, I did."

8 Q. Okay. Turning to Page 12, what was your response?

9 A. "Right. I'm sure it's much easier if children are
10:15:33 10 raised in that environment because they don't know any
11 different."

12 Q. And his response?

13 A. "LOL, I mean she wanted us to have sex in front of
14 her."

10:15:43 15 I said, "Ah, okay, so she never joined in?"

16 He said, "No. Has Katie ever been exposed
17 to that?"

18 I asked, "To what?"

19 He said, "You having sex in front of her."

10:16:03 20 And then he asked, "LOL, did I lose you,"
21 or "loose you?"

22 I said, "Sorry, yeah, we don't close doors
23 in our house."

24 He asked, "Did she join?"

10:16:18 25 I said, "No, not yet."

1 Q. And turning to Page 13, what was the conversation?

2 A. He asked "LOL, she watch?"

3 I said, "Yep."

4 He asked, "How old was she? Don't worry, I
10:16:40 5 won't tell anyone if she was really young."

6 I said, "All ages really. Like I said,
7 it's an open household."

8 Q. What did you mean by "open household"? What are
9 you talking about here?

10:16:53 10 A. It's an open, open household meaning that the doors
11 are open, open line of communication between my daughter
12 and myself as a mother, and just sharing in experiences.

13 Q. Anything regarding open household regarding sexual
14 activity?

10:17:13 15 A. Yes. The doors were not shut so it was just an
16 open household, so if there was a chance that the
17 13-year-old saw something sexually, that might have
18 happened because the doors were not shut.

19 Q. What was the defendant's response to the open
10:17:32 20 household?

21 A. He said, "Okay. I am in love with this idea."

22 Q. And your response in the conversation?

23 A. "Awesome. So am I, LOL. I just hope you're being
24 for real."

10:17:47 25 Q. Okay. And what was your point in saying that?

1 A. I was trying to gauge if he was telling me the
2 truth and being interested in an open household and also
3 into the 13-year-old.

4 MR. GREG McCORMACK: Your Honor, I would
10:18:04 5 object as to any reference as to whether he was telling
6 the truth or not.

7 THE COURT: She can explain from her point
8 of view. The jury will understand it's from her point of
9 view.

10:18:15 10 Go ahead.

11 MR. GREG McCORMACK: Yes, sir.

12 BY MR. McDONOUGH:

13 Q. How did the conversation continue?

14 A. He said, "You seem busy. Let me know when you're
10:18:33 15 free."

16 I stated, "I'm out getting lunch."

17 Q. Okay. And turn to Page 14.

18 What was the conversation?

19 A. He said, "Cool. And I am serious."

10:18:45 20 I asked, "Awesome. Where do you see this
21 going?"

22 He said, "You're the protective mother
23 here, so I'm going to follow your lead. I think we get
24 along well so far."

10:18:57 25 I stated, "I agree."

1 He said, "But I don't know if I need to get
2 along with you or her more. Where do you see this
3 going?"

4 I said, "I want a family so long-term."

10:19:09 5 He asked, "LOL, between you or her or
6 both?"

7 I said, "Well, I can't have more kids so it
8 would have to be between her and you."

9 Q. And turning to Page 15, and what was the
10:19:25 10 conversation?

11 A. He said, "Okay. Just asking, winky face."

12 I said, "We are both kind of looking for a
13 guy to take the lead as well."

14 He asked, "Define that."

10:19:40 15 I said, "More dominant kind of guy."

16 He said, "Ah, to control both of you."

17 I said, "Pretty much."

18 He replied, "Okay, winky face. When does
19 she turn 14? Where is her dad?"

10:19:58 20 Q. Turning to Page 16.

21 A. He replied giving me a phone number of
22 857-240-7410.

23 Q. What was that phone number that the defendant
24 provided?

10:20:08 25 A. That was to his cell phone which later he said he

1 was using a text application in order to hide his real
2 phone number.

3 Q. What was the text application?

4 A. I -- I do not know.

10:20:27 5 He could not remember the text application
6 that he used.

7 Q. Okay. If one were to send a text message using
8 their cell phone, the text message would indicate what
9 the cell phone number was?

10:20:42 10 A. That's correct.

11 Q. If someone had a text messaging application, would
12 that application reveal the cell phone number?

13 A. It would reveal the number assigned by that text
14 application but not the real cell phone of a user.

10:20:59 15 Q. The number that the defendant gave you, was that
16 his real cell phone number or not?

17 A. The 857-240-7410 phone number was a masked phone
18 number in that it was not his real phone number.

19 Q. Okay. What was, on Page 16, what was the
10:21:22 20 conversation on Page 16?

21 A. He asked, "You around?"

22 I said, "Sorry, got busy with some Xmas
23 shopping."

24 He said, "Cool, I can let you go, just text
10:21:34 25 me when you're done. I want to be with you guys,

1 though."

2 I said, "That would be a great Xmas
3 present."

10:21:45

4 He said, "LOL, if we can move on it that
5 fast, but yeah."

6 I said, "Yeah, that is fast."

7 He said, "But we can. I am into it. I
8 mean, is she really ready for it or will it take some
9 time?"

10:21:56

10 Q. And turn to Page 17, what was the conversation?

11 A. He said, "As long as she respects men, she will be
12 fine."

13 I said, "I think she'll be ready. She's
14 very much a people pleaser. Obviously it will have to be
15 slow at first."

10:22:07

16 He asked, "Do you let her drink?"

17 I said, "She's has in the past, just like
18 fruity drinks."

19 He said, "Good. I drink sometimes but I
20 don't do drug."

10:22:23

21 And "She had any sexual experience?"

22 I responded, "Yeah, I keep wine and beer in
23 the house. We don't do drugs either. I don't think
24 she's done much. I know she's curious. One of the
25 potential daddies had sent her some vids and pics, but I

10:22:40

1 don't think she's had much real life experience. Is that
2 a problem?"

3 He replied, "Not at all. Does she
4 masturbate?"

10:22:56 5 Q. What are you referring to when you mentioned the
6 potential daddies had sent some vids and pics?

7 A. Within these websites that I do undercover
8 operations on, there's mention of daddies which would be
9 inclusive in like an incest type lifestyle where an adult
10:23:17 10 male would be in a relationship with a younger female and
11 a lot of times buy them things, engage in sexual
12 activity.

13 And in my previous cases, that had been
14 discussed and it's an interest on many of these websites
10:23:36 15 I do the undercover operations on.

16 Q. As part of the undercover operation in this case,
17 did you indicate to the defendant if he was the first
18 potential daddy?

19 A. I'm sorry, can you rephrase that?

10:23:51 20 Q. In your undercover operation in this case, in your
21 communications with the defendant, was he the first
22 potential daddy for 13-year-old Katie?

23 A. No. There was discussions of other potential
24 daddies previously, but they did not follow through.

10:24:13 25 Q. Okay. Turning to Page 18, what was the

1 conversation?

2 A. I said, "I think she must. I know she said some of
3 the guys she talks to have told her how to do that."

4 He said, "Damn" with a smiley face.

10:24:34 5 "No one ever sexually abused her growing
6 up? I can't wait to start talking to her, she sounds
7 great. I love the way you're doing this. How long have
8 you been trying to do this and with how many guys?"

9 I said, "No, I'm pretty protective of her.
10:24:49 10 We have been looking for about three months or so. I'd
11 say we've talked to maybe eight to ten guys, but every
12 one of -- every one has given some excuse about not
13 coming and starting a family."

14 He said, "LOL. Well, there is a lot of
10:25:04 15 stories on the news about this stuff, with the guys
16 getting busted."

17 I responded, "Really? Maybe that's why.
18 Hmm. I will have to look it up now, LOL."

19 He said, "LOL, yeah, I'm getting more
10:25:20 20 conceived you're real."

21 Q. And turning to Page 19, what was the conversation?

22 A. I asked, "More what?"

23 He said, "That you're real and not fake."

24 I said, "I'm very real. I sent you pics
10:25:37 25 and my phone number. I will be open and honest with

1 you."

2 He said, "But most of the other guys have
3 never been with a younger girl or teen girl sexually
4 before."

10:25:48 5 I said, "Some say they have. I found a lot
6 on a site that was all about incest and those guys were
7 experienced.

8 "You're not experienced with young girls
9 either, are you?"

10:26:00 10 He said, "LOL, maybe. I mean, there are a
11 lot of videos on KIK that guys -- that are guys fucking
12 young girls. Yes, I have. I have held back on telling
13 you."

14 Q. What is KIK?

10:26:15 15 A. KIK is an application that you can download onto a
16 mobile device or tablet device, and it's a text messaging
17 application where you can chat back and forth via text
18 messaging on the application as well as send pictures and
19 videos.

10:26:40 20 Q. What was your response?

21 A. I said, "Katie has KIK but I'm not too familiar
22 with all those apps, LOL. Why do you hold back?"

23 He said, "You should. Lots of good stuff
24 on there."

10:26:59 25 Q. Turning to Page 20.

1 A. "I did stuff with young girls before."

2 I said, "I wouldn't even know how to find
3 it, LOL."

4 I asked, "Like Katie's age?"

10:27:09 5 He said, "Damn, too bad. Yeah, and
6 younger."

7 I said, "I'm on some great sites and there
8 are tons of pics and vids on them. How young?"

9 He said, "I just didn't want to freak you
10:27:25 10 out and make you think I'm a pedophile." And then the
11 number "11."

12 Q. And your response?

13 A. "I don't think that at all. I'm interested in it
14 actually. I'm very laid back and open-minded, if you
10:27:42 15 couldn't tell."

16 Q. And then turning to Page 21.

17 A. "And if something bothers me, I'll be straight
18 with you and tell you."

19 He said, "Very laid back. I love it."

10:27:58 20 I said, "Life is short. Got to live it."

21 He said, "Okay, cool. When does she get
22 home from school?"

23 I said, "She actually spending the night at
24 her friend's house tonight. She rode the bus to her
10:28:12 25 house but normally she's home around 4:15."

1 He asked, "Can I text her?"

2 I said, "Yeah, let me find her KIK name. I
3 forget it. I'm excited to go out tonight. What are you
4 going to do?"

10:28:29 5 Q. And then turning to Page 22.

6 A. He asked, "Can I call and hear your voice?"

7 I said, "Sure."

8 He said, "Okay. When?"

9 I said, "Whenever you want. When is good
10:28:42 10 for you?"

11 He said, "I want to know, but I am still at
12 work, but I am dying to hear your voice."

13 I said, "Okay, I'll be out and about
14 tonight. Don't you need a bathroom break, LOL?"

10:29:01 15 He said, "Yeah, I do actually."

16 I said, "You can just call me real quick
17 and we can talk longer later."

18 Q. And turning to Page 23.

19 A. He said, "At work it might show up as blocked. Is
10:29:13 20 that okay?"

21 I said, "Sure."

22 He said, "K, hang on."

23 MR. McDONOUGH: Your Honor, at this point
24 we do have Government's Exhibit 31. It is a 26-minute
10:29:22 25 recorded phone call.

1 THE COURT: Good time for a break.

2 Ladies and gentlemen, let's take a
3 15-minute break.

4 (Recess taken).

10:51:16 5 THE COURT: Please be seated, ladies and
6 gentlemen.

7 Mr. McDonough.

8 BY MR. McDONOUGH:

9 Q. Turning your attention to Government's Exhibit 31,
10:51:23 10 did you have an opportunity to make a recorded call
11 between yourself and the defendant?

12 A. Yes, I did.

13 Q. Can you tell us how you made that recorded call?

14 A. I received a -- my county phone rang from the
10:51:43 15 number that was given previously, and I had hooked it up
16 to a recorder. One earpiece is in my ear and the other
17 is on the phone, and I was able to record the phone call
18 in that way.

19 Q. Were you able to review a transcript of that
10:52:02 20 recorded call as Government's Exhibit 32?

21 A. Yes, I was.

22 Q. And is that transcript accurate?

23 A. Yes, it is.

24 Q. Okay. This Government's Exhibit 31, it's a
10:52:18 25 26-minute-one-second call, what date did the call take

1 place on?

2 A. This would be December 12th of 2014.

3 Q. Okay. Please play Government's Exhibit 31.

4 (Tape playing)

10:53:07 5 BY MR. McDONOUGH:

6 Q. Can you pause it for a moment?

7 Can you hear that, hear that call okay?

8 A. Yes, I can.

9 Q. And are you able to view it on your monitor okay?

10:53:14 10 A. Yes, I can.

11 Q. All right. You recognize the voices on

12 Government's Exhibit 31?

13 A. Yes, I do.

14 Q. And who are the voices?

10:53:20 15 A. The lines that say "UC," that is myself, and the

16 lines that say "Vickers" are of Mr. Vickers.

17 Q. Okay. Please continue.

18 (Tape playing).

19 BY MR. McDONOUGH:

11:18:56 20 Q. Okay. That was the end of the call for

21 Government's Exhibit 31?

22 A. That's correct.

23 Q. Your communications with the defendant then

24 continued back on through the Experience Project website?

11:19:08 25 A. That is correct.

1 Q. And if we could go to Government's Exhibit 9,
2 Page 23.

3 I believe where we left off was the
4 defendant saying "K. Hang on."

11:19:24 5 A. Yes. Correct.

6 Q. And this would have been still on December 12th,
7 2014, between 3:43 and 4:34 p.m.?

8 A. Correct.

9 Q. What was the defendant's then -- his next line?

11:19:39 10 A. "Awesome talking to you. Your voice is amazing.

11 My KIK is Jbeaver977."

12 Q. And what is the Jbeaver977 as it relates to KIK?

13 A. Jbeaver977 would be a user name contained and
14 visible on the KIK application.

11:20:00 15 Q. It -- is the KIK application, is that similar to
16 Experience Project in terms of being anonymous?

17 A. That is correct.

18 Q. What was your response?

19 A. I responded "01kitkat01 is her KIK name
11:20:20 20 apparently."

21 Q. Whom are you referring to?

22 A. I was referring to my 13-year-old daughter Katie.

23 Q. Did you set up a KIK account for the 13-year-old
24 Katie profile?

11:20:30 25 A. Yes, I did.

1 Q. How did you set that up?

2 A. I downloaded the KIK application onto my work
3 phone, and had done that previous to this case, and I
4 used it previously in other undercover operations.

11:20:46 5 Q. Okay. What was his response?

6 A. "LOL. Okay. Did you tell her yet?"

7 Q. Okay. Did that end at that point the Experience
8 communication, the Experience Project communications for
9 December 12th, 2014?

11:21:04 10 A. Yes, it did.

11 Q. Okay. And, now, if we could go to Government's
12 Exhibit 20, Page 1.

13 Government's Exhibit 20 is 112 pages. Do
14 you recognize Government's Exhibit 20?

11:21:44 15 A. Yes, I do.

16 Q. And what is Government's Exhibit 20?

17 A. These are the Google Voice text messages between
18 myself and two phone numbers both belonging to David
19 Vickers.

11:21:59 20 Q. Okay. Were you able to -- can you tell us how
21 Government's Exhibit 20 was prepared?

22 A. I prepared this by logging into my Google Voice
23 account and downloading all the conversations that Google
24 Voice has stored within my Google Voice account.

11:22:19 25 Q. Does Google Voice keep track of the phone numbers

1 that are used during the text messaging?

2 A. Yes, it does.

3 Q. Does Google Voice keep track of dates?

4 A. Yes, it does.

11:22:30 5 Q. And does Google Voice keep track of times?

6 A. Yes, it does.

7 Q. When did the communications between yourself and
8 the defendant begin on -- through the Google Voice text
9 messaging?

11:22:47 10 A. Conversations continued on December 12th, 2014 at
11 5:59 p.m.

12 Q. Okay. So in terms of December 12th, we've started
13 with the Experience Project, we've done a recorded call,
14 and now we're onto our third one, the actual text
11:23:06 15 messages?

16 A. That is correct.

17 Q. Are you familiar with the number 857-240-7410?

18 A. I am. That is the number that was provided by
19 David Vickers on Experience Project under the screen name
11:23:20 20 jbeaver975.

21 Q. Okay. And what is on Government's Exhibit 20, on
22 this transcript, what is your -- where do you show up on
23 it?

24 A. Every line that says "Me" is myself.

11:23:36 25 Q. Okay. Can you tell us the conversation that starts

1 on Government's Exhibit 20?

2 A. Mr. Vickers started the conversation "Hey," I said,
3 "Hey" back.

4 He said, "Winky face. I am glad we meet.

11:23:53 5 Did you tell her yet? I KIK'd her."

6 Q. What does "KIK'd her" mean?

7 A. That would mean that someone would send a message
8 to a user on KIK.

9 Q. Okay. I'd like to go to Government's Exhibit 17,
11:24:11 10 Page 1. Government's Exhibit 17 is 157 pages.

11 Do you recognize Government's Exhibit 17?

12 A. Yes, I do.

13 Q. And what is Government's Exhibit 17?

14 A. These are screenshots of the KIK application on my
11:24:30 15 work cell phone.

16 Q. Can you tell us how Government's Exhibit 17 was
17 prepared?

18 A. I created screenshots of each page on KIK, and
19 those were downloaded to my work phone.

11:24:45 20 I uploaded those into a PDF file and
21 provided those.

22 Q. Turning your attention to the left side of this
23 exhibit, what is it at the top?

24 Can you tell what the red circle is?

11:24:59 25 A. The top is a profile picture which it looks pinkish

1 in color in the circle, and then the initials next to it
2 are J and B, and that is considered a -- what they call a
3 vanity name on KIK. It is different than the screen name
4 Jbeaver977 previously given, but you are able to pick a
11:25:28 5 vanity name.

6 Q. Whose vanity name is JB?

7 A. That would belong to Jbeaver977.

8 Q. And who is?

9 A. That belongs to David Vickers.

11:25:36 10 Q. Okay. Can you tell us, the red dots with the white
11 boxes, what are those?

12 A. The red dot with the white boxes are David Vickers'
13 conversations, and then the green boxes would be my
14 conversation.

11:25:53 15 Q. Okay. This, Government's Exhibit 17, this was the
16 KIK application that the profile that was set up for
17 the -- that you set up for 13-year-old Katie?

18 A. That is correct.

19 Q. What did the defendant communicate to Katie?

11:26:12 20 A. He started off "Hi, Katie. I am Jason. I got your
21 name through your mom."

22 Q. Okay. Going back to Government's Exhibit 20,
23 Page 1, we left off on the line "I KIK'd her."

24 Was that the communication referenced to "I
11:26:40 25 KIK'd her"?

1 A. That is correct.

2 Q. What did the defendant ask?

3 A. "Is Black your last name?"

4 Q. And what was your reply?

11:26:48 5 A. "Yes, that's our last name."

6 Q. And what was the conversation that you had?

7 A. He asked again, "Did you tell her about me?"

8 I said, "Not yet. After I get ready I'll
9 text her and tell her."

11:27:00 10 He said, "Cool. Thanks for making this
11 happen and making it so easy. I love you in a way
12 already for it."

13 I said, "Smiley face, I'm really excited to
14 talk to you and maybe one day meet you. Yeah."

11:27:16 15 He said -- I'm sorry. "I think the first
16 call went great."

17 I said, "Yes, you're super easy to talk
18 to."

19 He said, "A consenting mother is great.
11:27:33 20 Where is the father though?"

21 I said, "He's in and out of jail. He lives
22 in Cali now, I think, and is remarried and has other
23 kids."

24 He said, "Okay, so she doesn't see him?"

11:27:44 25 I said, "No contact. She never has had

1 contact. Easier that way."

2 He said, "Okay, makes this easier."

3 I said, "Makes life easier all around."

4 He said, "God, I can't wait to talk to her

11:27:58 5 and see what she is like. You, like, really got it

6 together for 30. It's amazing."

7 Q. Okay. And turning to Page 2, what is the

8 conversation?

9 A. I said, "I had to grow up fast."

11:28:15 10 He said, "You're really smart and amazing

11 for 30 and I like how you're making this your way of

12 having a bigger family. It's just smart on your part.

13 You just need to find the right guy to make it work."

14 I said, "Exactly."

11:28:30 15 He said, "I do love you in a way already, I

16 just feel a bond after that call."

17 I said, "I'm glad. Me, too."

18 He replied with a winky face. "She just

19 KIK'd me."

11:28:44 20 Q. And then turning back to Government's Exhibit 17,

21 Page 1, and referring to the right side of the page, can

22 you tell us what that depicts?

23 A. I replied in the green with "Hey," with two Es.

24 And next to it there is the letter R with a checkmark

11:29:08 25 which means that the message was read by the other party.

1 Q. Okay. And what was the conversation that continued
2 on KIK?

3 A. He said, "Hi."

4 I said, "WYD" meaning what you doing.

11:29:29 5 He replied "Working. You?"

6 Q. Okay. Now, how are you able to be communicating
7 via text messaging through Google Voice with the
8 defendant, and as Traci, the mother, and at the same time
9 be communicating through KIK with the defendant as

11:29:53 10 13-year-old Katie?

11 A. With the Google Voice application you are able to
12 send text messages on your computer.

13 So as mother, I was sending text messages

14 on my work computer, and then as the 13-year-old Katie

11:30:09 15 daughter profile I was sending messages on my work phone

16 through the KIK application.

17 Q. Was it important for you to be able to communicate
18 simultaneously in this fashion?

19 A. Yes, it was.

11:30:21 20 Q. Why?

21 A. I wanted to make it believable that there were two
22 separate people in this case. I did not want to be
23 responding as mother, and then having a pause and then
24 responding as daughter.

11:30:39 25 I wanted to make sure that there was two

1 separate profiles, two separate people.

2 Q. Have you had training regarding chatting as a
3 13-year-old?

4 A. Yes, I have.

11:30:49 5 Q. And what kind of training have you had?

6 A. I've attended hundreds of hours of training in
7 regards to undercover chat investigations, undercover
8 chat protocol, and just over the course of doing these
9 investigations as well learning from other experienced
10 law enforcement professionals in how certain techniques
11 work better than others.

12 Q. Do you use different abbreviations?

13 A. I do. I do research what, you know, kids in this
14 day and age are saying, and try to follow those
11:31:29 15 guidelines.

16 Q. Okay. Turning back to Government's Exhibit 20,
17 Page 2, we left off with "She just KIK'd me."

18 Was that on the communication that was
19 referred to on the KIK --

11:31:50 20 A. That is correct.

21 Q. -- communication?

22 Okay. And can you tell us how the
23 conversation continued?

24 A. I said, "Oh, good. I wasn't sure if she would
11:32:00 25 tonight."

1 He asked "LOL. Can I be blunt with her? I
2 mean, does she know you were looking for her?"

3 I said, "Yes, she knows."

4 He asked "My age, too?"

11:32:16 5 Q. And you replied?

6 A. I replied, "Yes. I told her you were older."

7 I misspelled older. And then replied again
8 with the correct spelling of "older."

9 He said, "Cool."

11:32:31 10 I said, "She's a cool girl."

11 He said, "So far. Trying to get her to
12 open up."

13 I said, "She will."

14 He said, "I am trying. She needs a man to
11:32:43 15 show her the way."

16 I asked, "You up for that?"

17 He said, "Yeah, I am. As a mother, if you
18 hear moaning and screaming coming from her closed bedroom
19 door, how will that make you feel?"

11:32:58 20 I replied, "We don't close doors in the
21 house, though."

22 He said, "What if we get a hotel room the
23 first time, where will you want to be?"

24 I said, "That will be fine. I want to be
11:33:12 25 there."

1 Q. Onto page 3, what was the conversation?

2 A. He said, "LOL, in the room?"

3 I said, "Probably. I want to make sure
4 it's all on the up and up."

11:33:23 5 He said, "LOL. You mean and up?"

6 I said, "LOL. Yes."

7 He said, "Explain. LOL. I just want to
8 hear it."

9 I said, "Just want to be sure it a good
11:33:37 10 situation for her."

11 He said, "You want to watch her get naked
12 and then do what she is supposed to do to me? It's fine,
13 I just wanted to hear you say. I would have a rule for
14 that, though, that tou (sic) have to do."

11:33:57 15 Me, I said, "MMM, yes, all that sounds
16 hot."

17 And I asked, "What rule?"

18 He said, "You don't have to be involved,
19 but you need to strip down to bra and undies so everyone
11:34:11 20 is equal."

21 I said, "Okay. Fair enough."

22 Q. And what did -- what was his response?

23 A. He said, "You really want to see her squirm when I
24 put it in her?"

11:34:25 25 I said, "Mmm, yes."

1 He said, "It will be rough on her, but
2 okay, smiley face. LOL, you going to show her how to
3 stroke me? You have a raised a very sweet and mature
4 young lady. I mean that, she is so cute."

11:34:44 5 I said, "Aww, thanks, hon. I appreciate
6 you saying that. I try my best. Sorry for the delay.
7 Talking with friends."

8 He said, "It's cool. LOL. I told her that
9 'your mom wants me to knock you up.' She said 'why do
11:35:05 10 you want to hit me?'"

11 Q. Okay. Turning to Government's Exhibit 17, Page 2.

12 This is back on the KIK communication
13 between the defendant and 13-year-old Katie.

14 What's the communication that's going on
11:35:26 15 here starting on the left side of the page?

16 A. He said, "Working. You? Actually texting your
17 mom."

18 I replied, "Just chilling with my friend."

19 He said, "Okay, cool."

11:35:41 20 And I said, "Oh, okay."

21 He said, "She told me a lot about you and
22 is very cool."

23 I said, "Yeah, she's cool."

24 Q. And turning to Page 3, what was the communication?

11:35:55 25 A. He said, "She told me a lot about you. We talked

1 for, like, 45 minutes on the phone."

2 I said, "Like what, ha-ha?"

3 He said, "Stuff" with a smiley face.

4 I said, "Oh, okay."

11:36:07 5 He said, "She thought we should talk and
6 get to know each other."

7 I said, "Yeah, that sounds fun."

8 He said, "Okay, cool. She was pretty open
9 about stuff. But if you're busy, I can let you go."

11:36:23 10 I said, "Yeah, we are cool. I can tell her
11 anything."

12 He said, "I think that's awesome. She also
13 said you might like older guys, too."

14 I said, "Yeah, I guess. Boys at school are
11:36:36 15 lame."

16 He asked, "What grade are you in?"

17 Q. And turning to Page 4.

18 A. I replied "Seventh."

19 He said, "LOL. Well, you're dealing with a
11:36:46 20 lot of guys with no experience, no experience in the area
21 you're interested in."

22 I replied, "Yeah, I guess."

23 He said, "Well, I mean, what do you want
24 from a guy now?"

11:36:58 25 I said, "I want a boyfriend. I've never

1 had a real one."

2 He said, "Well, your mom is very supportive
3 of you having one." I asked, "What do you want?"

4 He replied, "A girlfriend."

11:37:11 5 I said, "Cool. BRB," which means be right
6 back.

7 He said, "Okay."

8 I replied, "So where are you?"

9 He said, "Maryland."

11:37:24 10 I asked "Is that far?"

11 Q. Turning to Page 5, what's the conversation?

12 A. "I live in Parma."

13 He said, "Kind of but not really."

14 I said, "Oh, okay."

11:37:35 15 He asked, "You're in Cleveland?"

16 I said, "Yep. Close by."

17 He said, "Okay. We talked about it, me and
18 your mom."

19 I said, "About what?"

11:37:45 20 He said, "The distance and stuff. She
21 think it could work fine."

22 I said, "Cool."

23 He said, "If we get there and you want to,
24 of course."

11:37:56 25 I said, "Yeah, I do."

1 He said, "Already" with three question
2 marks and a smiley face.

3 I said, "You seem cool."

4 He said, "LOL, you, too. I like your pic,
11:38:10 5 too."

6 Q. And turn to Page 6, what's the conversation?

7 A. I said, "Yeah, what pic?"

8 He said, "Your mom sent me a school pic."

9 I said, "Oh, okay. Cool."

11:38:25 10 He said, "Be right back."

11 Then he said, "Sorry. I really like you a
12 lot already."

13 I asked, "For what?"

14 He said, "You're just cool."

11:38:38 15 I said, "Thanks. You are, too."

16 He replied with a smiley face. "LOL, so
17 you saw your mom having sex?"

18 I said, "Sometimes."

19 He asked, "LOL, what did you think?"

11:38:55 20 I said, "It was cool. It was like the vids
21 I seen."

22 Q. And Page 7, what's the conversation?

23 A. He said, "Ah, which videos?

24 "I had some friends send me vids."

11:39:11 25 He asked, "You got any?"

1 I said, "A few. You?"

2 He said, "A few. Jesus, your mom just said
3 she has to be in the room when we first do it. LOL. She
4 is crazy."

11:39:24 5 Q. At that point what did you -- what was your
6 understanding of "Mom in the room when first do it"?

7 A. "First do it" meaning first have sex between
8 Vickers, Mr. Vickers and the 13-year-old daughter Katie.

9 Q. Okay. How did the conversation continue?

11:39:46 10 A. I said, "She's not crazy."

11 He said, "LOL, I know. I like the idea of
12 it. I --"

13 I said, "What are we going to do? Will you
14 hurt me?"

11:40:00 15 He said, "LOL, what do you think we will
16 do?"

17 I said, "IDK," meaning I don't know.
18 "Whatever you want."

19 Q. And then turning to Page 8, what's the
11:40:09 20 conversation?

21 A. He said, "LOL. Guess, sweetie."

22 I said, "NVM," meaning never mind.

23 He said, "LOL, guess. Sex."

24 I said, "What if I'm bad at it, will you
11:40:25 25 still like me?"

1 He said, "Love you already."

2 I said, "Really. Cool. My friend says it
3 hurts."

11:40:36

4 He said, "Yes, I do. Don't worry about it
5 hurting."

6 I asked, "Why you say that?"

7 He said, "Your mom and me will do our best
8 job to make it right for you."

9 I said, "K. I'm excited."

11:40:48

10 He replied, "Me, too, baby."

11 Q. And Page 9, what's the conversation?

12 A. "Your mom has really made me feel good about this
13 already."

14 I said, "That's good."

11:40:59

15 He replied with a smiley face. "She tell
16 you my age?"

17 I said, "She said you were older than her
18 but cute."

19 He said, "36. Is that okay?"

11:41:11

20 I said, "Yes. Am I too young? I'm 13."

21 He said, "LOL, as long as mom is okay with
22 it."

23 I said, "I like older guys. I think she
24 is -- she let me talk to other guys and now you. So I
11:41:30 25 guess she is cool wit it."

1 He said, "LOL. Okay. She told me to knock
2 you up."

3 Q. And on Page 10, what's the conversation?

4 A. I replied with, "Why do you want to hit me?"

11:41:45 5 He said, "No, sweetie, get you pregnant.
6 Sorry."

7 I said, "Oh, okay. I love kids. I babysit
8 a lot."

9 He asked, "You want kids already?"

11:41:55 10 I replied "IDK" meaning I don't know.

11 "IDK," meaning I don't know, "If I can have them right
12 now. Can I?"

13 He said, "She thinks so."

14 I said, "It could be cool."

11:42:12 15 He said, "Okay."

16 I replied, "I could dress it up. Ha-ha, my
17 mom loves kids."

18 He replied, "I know. She told me."

19 I said, "I hate being the only one."

11:42:29 20 He said, "I love your mom. She is sweet
21 and nice."

22 Q. Okay. And then turning now to Government's Exhibit
23 20, Page 3, going back to the Google Voice text messages
24 between you and the defendant at the -- at 8:11 p.m., do
11:42:56 25 you see his response at the bottom of the page?

1 The last five lines.

2 A. At 8:11 p.m. he said, "It's cool. LOL, I told her
3 that 'your mom wants me to knock you up.' She said 'why
4 do you want to hit me?' Kind of lets me know how gentle
11:43:24 5 I need to be. I don't think she is into me. Oh, well,
6 no hard feelings, though, if not."

7 Q. Okay. And this is -- that conversation is still
8 going simultaneously with the KIK conversation?

9 A. That's correct.

11:43:37 10 Q. And then going back to Government's Exhibit 17,
11 Page 11, what is the conversation on Page 11?

12 A. Starting on the left-hand side, he said, "I love
13 your mom. She is so sweet and nice. Well, that's why
14 she wants you to have one. She told me I can't back out
11:44:06 15 though."

16 I said, "Cool. So I wouldn't be just me
17 any more."

18 He said, "LOL, no."

19 I said, "I like that."

11:44:16 20 He said, "Good. I really like you,
21 sweetie."

22 I responded back with a smiley face.

23 He said, "How you feel about it?"

24 I asked "About what?"

11:44:27 25 He said, "Me and you."

1 I said, "I like it. You're nice. You have
2 a pic."

3 He said, "Working on it."

4 I said, "I want to see you."

11:44:38 5 Q. And Page 12, what was the conversation?

6 A. He said, "LOL, I am not 60-looking."

7 I said, "You don't have any pics?"

8 He said, "Not yet, sorry."

9 I said, "That's weird."

11:44:54 10 He said, "You have a current one?"

11 I said, "Everyone has pics. Yes, I have
12 lots."

13 He asked, "LOL, where is yours then?"

14 I said, "But my mom says I can't send them
11:45:10 15 to random peeps," meaning people.

16 He said, "I am not random."

17 I said, "I meet a lot of people on here."

18 He said, "Okay. Well, let me see one."

19 I said, "I just want to see you."

11:45:25 20 He said, "I will get you one later."

21 I said, "Okay."

22 And he said, "I promise."

23 Q. And then turning to Page 13.

24 A. I said, "Well, I'm going to go hang out with my
11:45:40 25 friend."

1 He said, "Ah, shooting me down already.

2 Okay."

3 I said, "We are going to watch some movies.

4 I will try and talk later."

11:45:49 5 He said, "Okay."

6 I said, "Hailey is bugging me."

7 He said, "Okay, bye."

8 I said, "I will talk soon. TTYL," meaning
9 talk to you later.

11:46:01 10 Q. Who is Hailey?

11 A. It would be one of 13-year-old Katie's friends.

12 Q. Okay.

13 A. Just a made-up name.

14 Q. Okay.

11:46:09 15 A. He said, "Okay, bye."

16 I said, "Are you mad at me? PLZ" meaning
17 please "don't be."

18 He said, "No, it's cool."

19 I said, "If I wasn't here I could talk
11:46:24 20 more."

21 He said, "Have a good time, sweetie."

22 I said, "I want to talk to you more."

23 He said, "Okay, maybe later, sweetie."

24 Q. And then Page 14, just the left side, please,
11:46:41 25 conversation.

1 A. After saying "Okay, maybe later sweetie," he said,
2 "I love you though."

3 I said, "I love you, too," and sent a heart
4 and a smiley face.

11:46:52 5 Q. And then did that end the KIK communications on
6 December 12th, 2014 between the defendant and the
7 13-year-old Katie profile?

8 A. Yes, it did.

9 Q. Okay. And then if we could go to Government's
11:47:06 10 Exhibit 20, Page 4, we're now back with the Google Voice
11 text messages between the defendant and you, and what was
12 the conversation?

13 A. I said, "What? It didn't go well? I was hoping it
14 did. What did she say? I will talk to her tomorrow
11:47:34 15 about it."

16 He said, "It's okay if not. I will be
17 okay. I still want to chat with you if we can."

18 I said, "Maybe just give her a little time.
19 She's young."

11:47:46 20 He said, "LOL, it's cool. It's a hell of a
21 fantasy that almost came true, smiley face."

22 I said, "I think you are giving up way too
23 soon, but it's up to you. Did she straight up tell you
24 she wasn't interested?"

11:48:01 25 He said, "LOL, no, you're right."

1 I said, "I will talk to her tomorrow and
2 get her honest opinion."

3 He said, "Okay."

4 Q. Okay. And then what did you send?

11:48:19 5 A. It says "My purple hair, LOL." And I tried to send
6 a picture of myself but it did not go through.

7 Q. Okay.

8 A. Then he asked "You still out?"

9 Q. Okay. When you say you tried to send a picture of
11:48:37 10 yourself, what are you referring to?

11 A. I tried to send a picture through Google Voice to
12 the number here on the screen, but it did not go through.

13 Q. Okay. And going to Government's Exhibit 9,
14 Page 24, do you see what's depicted there?

11:49:04 15 A. Yes, this is me with purple hair.

16 Q. Okay. What was the purpose of sending the picture
17 with the purple hair?

18 A. Again previously asking for pictures to make sure
19 that I was real, so I had sent a picture.

11:49:20 20 Q. Okay. But this one, it was unsuccessful through
21 the phone, but you ended up sending it through the
22 Experience Project?

23 A. That is correct.

24 Q. And that would be -- that would be the start of
11:49:34 25 communications, or I should say that would be the next

1 day December 13th?

2 A. That is correct.

3 Q. 2014.

4 Okay. And turning to Government's Exhibit

11:49:46 5 20, Page 4, in your Google Voice messages, this would be

6 the text starting on December 13th, 2014, if you see the

7 line "Morning! How are you today"?

8 A. Yes.

9 Q. About halfway down through the bottom?

11:50:13 10 A. Yes, I do.

11 Q. And what was the conversation?

12 A. It starts out with him saying "Morning! How are
13 you today?"

14 I said, "Morning! Holy hangover, LOL."

11:50:29 15 I said, "You get my pic of my hair last
16 night."

17 He said, "LOL, no. LOL, hung over? Nice.

18 God, I need to start my shopping today. LOL, I hate Xmas

19 shopping. Nothing is more fun than blowing \$1,500 on

11:50:44 20 others in one day. What does Katie like? I should get
21 her something if we meet you."

22 Q. Turning to page 5, what's the conversation?

23 A. And then he said, "Up" and I said, "Dang, that's a

24 lot of money to spend. LOL. She's into everything. She

11:51:02 25 loves elephants, glittery stuff, the color blue, just

1 girly stuff."

2 He said, "Hmm, LOL, I don't know if I
3 should be buying for, like, someone like my niece or for
4 a lover. Strange feeling, smiley face."

11:51:16 5 I said, "LOL, maybe some cute panties?
6 It's kind of both."

7 He said, "LOL, it really is. Does she wear
8 undies like that yet?"

9 I said, "Yes, we shop at Victoria Secret
11:51:36 10 all the time together."

11 He said, "Aw, how cute. She into thongs
12 yet?"

13 I said, "Not really. More like the boy
14 shorts and stuff like that. I'm so glad I had a girl cuz
11:51:51 15 it's fun to shop with her and share stuff with her."

16 He said, "Okay, it's a starting idea."

17 I asked, "You get around to a pic?" And
18 then it says "My purple hair." I tried to send it again
19 and again there was an error sending it.

11:52:05 20 Q. Now, how is the purple hair, why isn't that pic
21 able to be sent through your phone to the cell phone
22 number that the defendant gave you?

23 A. Through Google Voice you cannot send a picture on
24 the application itself.

11:52:28 25 Q. Okay. And what was the conversation next?

1 A. Conversation continued with him asking "What size
2 is she?"

3 I said, "XS," meaning extra small.

4 And then "32A bra size."

11:52:44 5 He said, "LOL, they are going to think I'm
6 a pedo buying that size."

7 I asked, "You get my pic this time?"

8 He asked, "No. Did you get mine?"

9 I said, "I have an adult friend who is that
11:52:58 10 size. I'm a small, so extra small isn't that out of
11 norm. I didn't get yours."

12 He said, "LOL, will she get embarrassed
13 opening that in front of you?"

14 Q. And turning to Page 6, what was the conversation?

11:53:14 15 A. I said, "No, she loves stuff from there. They have
16 lotion and stuff, too."

17 He said, "Okay, cool. And what about you?"

18 I said, "Or Bath & Body Works candles and
19 lotions, another gift and maybe more comfortable for you
11:53:30 20 to buy."

21 He asked, "What can I get you though?"

22 I said, "You don't have to get me anything.
23 I have everything I want."

24 He said, "Ah, just trying to build a
11:53:42 25 relationship with both of you, though."

1 I said, "We kind of like the same things,
2 smiley face."

3 He said, "LOL, gotcha."

4 I said, "What do you like?"

11:53:54 5 He said, "I guess I would have to ship them
6 to you because I don't know if you're looking at weeks or
7 months before we have first encounter."

8 I said, "It's kind of on you. I'm pretty
9 flexible."

11:54:08 10 He said, "Me, too. I mean, I want to
11 soon."

12 I said, "Okay, we will figure it out.
13 Katie and I have lots of open time the next 2.5 weeks."

14 He said, "Aw, Xmas break."

11:54:26 15 I said, "Yeah, but that's probably too
16 soon. LOL."

17 He said, "Not for me, but I understand if
18 it is -- if it for you."

19 I said, "No, that would be a great Xmas
11:54:39 20 present."

21 He said, "LOL. Present for me, you or
22 her?"

23 I said, "All of us."

24 He replied with a smiley face. "When was
11:54:52 25 the last time you had sex?"

1 I said, "Why do you ask, LOL?"

2 He said, "Just asking."

3 I said, "Couple days ago."

4 He asked "BF," meaning boyfriend?

11:55:06 5 Q. Page 7, what was the conversation?

6 A. I said, "No, LOL."

7 He asked, "LOL, how old was he?"

8 I said, "IDK," meaning I don't know. "Late
9 thirties, probably."

11:55:18 10 He said, "LOL, okay. Meet him at a bar or
11 online?"

12 I said, "Bar."

13 He said, "Sorry for asking, not my
14 business."

11:55:27 15 I said, "It's all good. I told you I'm an
16 open book. What about you?"

17 He said, "Few months. A friend."

18 I said, "Nice."

19 He said, "EWWW, I guess. I miss the
11:55:43 20 feeling of young. It's been a long while for that."

21 I said, "How old was she?"

22 He said, "33, I think."

23 I said, "That's not too old. LOL."

24 He said, "LOL, yeah."

11:56:02 25 Q. What was his next -- I'm sorry?

1 A. "If everything works out, you might be a
2 grandmother this time next year for Xmas. LOL. Does
3 that make you feel old?"

4 I said, "That would be amazing. I don't
11:56:14 5 feel old."

6 He said, "Grandma at 31, wow."

7 I said, "It's all good. Age is just a
8 number."

9 He said, "LOL, I don't think I ever had sex
11:56:25 10 with a grandmother before. I would have to do you just
11 for that reason alone, smiley face."

12 I replied, "Ha-Ha."

13 He said, "You up for that?"

14 I said, "We shall see, LOL."

11:56:41 15 He replied with a winky face.

16 Q. And Page 8, what's the conversation?

17 A. He said, "Next Xmas is possible, right?"

18 I said, "Possible for what?"

19 He said, "I mean, if we got started soon,
11:56:56 20 for a baby."

21 I said, "Oh, yes, for sure. Katie is able
22 to get pregnant."

23 He asked, "How do you know?"

24 I said, "Well, she's had her period for
11:57:07 25 almost a year now."

1 He said, "We need to get started then."

2 I said, "Okay, then, when you thinking?"

3 He said, "Before the 1st."

4 I said, "Awesome. We can start the new

11:57:22 5 year off right."

6 He replied, "Awesome. We going too fast
7 for you?"

8 I said, "No. If it's right, it's right and
9 I want to get busy being happy and living the dream."

11:57:34 10 He said, "Me, too, baby. Would you want me
11 to come there or would you want to meet halfway and meet
12 on mural ground the first time?"

13 I said, "Well, I think Katie would be more
14 comfortable in her own environment."

11:57:52 15 He said, "Okay."

16 I said, "What are you thinking?"

17 He said, "I was thinking of getting a hotel
18 in PA somewhere, halfway, and I would pay. But I am open
19 to your ideas though."

11:58:03 20 I said, "I don't know. I don't see the
21 need to spend money on a hotel and stuff. I don't like
22 to drive either. LOL."

23 He said, "Just makes it on mural ground and
24 less driving for me, too."

11:58:18 25 I said, "But I'm open to ideas."

1 He asked, "I mean, you would want me to
2 come to your house and meet you guys?"

3 I said, "Sure. Why not? It's comfortable
4 for Katie and if this is gonna be a long-term situation,
11:58:40 5 you an get comfortable here, too."

6 He said, "So for asking so many questions.
7 Just trying to figure this out. I mean, I have meet
8 girls online before, but this is different."

9 Q. Now, turning to Government's Exhibit 17, Page 14,
11:58:59 10 back to the KIK communications between the defendant and
11 13-year-old Katie, again on the right side of the page is
12 the defendant simultaneously communicating with Katie
13 while texting with you?

14 A. Yes, he is.

11:59:13 15 Q. And could you describe the conversation on the
16 right side of the page?

17 A. On the right side of the page starts off with him
18 saying, "I love you, too."

19 Excuse me, that would be me in green saying
11:59:29 20 "I Love you, too."

21 He replied back with a smiley face.

22 He then said, "What's your fav color?"

23 I said, "Hmm, I like silver or blue, I
24 guess."

11:59:45 25 He asked, "What kind of blue?"

1 I said, "Like blue like the sky, I guess."

2 He said, "Your mom said she wants another
3 kid in the house by next year's Xmas."

4 Q. Okay. And turning to Page 15?

11:59:58 5 A. "LOL. Any ideas how to make this happen?"

6 I said, "IDK, meaning I don't know. "Do
7 you have kids?"

8 He said, "Nope."

9 I said, "K."

12:00:11 10 He asked, "LOL, any other ideas?"

11 I said, "You and me."

12 He replied with a smiley face. "You up for
13 that?"

14 Q. Did the defendant have any children?

12:00:23 15 A. Yes, he does.

16 Q. Okay. And then turning to the right side of the
17 page, what was the conversation?

18 A. I replied, "I guess. You'll shoe me, right. I
19 don't want to be bad."

12:00:39 20 He replied, "Of course I will, sweetie."

21 I said, "K, cool."

22 He said, "LOL, you want your mom in the
23 room?"

24 I replied, "IDK," meaning I don't know.

12:00:51 25 "Kind a weird, but IDK you."

1 Q. And Page 16, what's the conversation?

2 A. He said, "Okay. Your mom and I are talking and
3 making plans."

4 I asked, "Plans for what?"

12:01:07 5 He said, "Maybe meeting."

6 I said, "Oh, cool, that sounds so fun."

7 He asked, "Really?"

8 I said, "Yeah."

9 He said, "Okay," with a smiley face.

12:01:16 10 "Where are you now?"

11 I said, "Home. Gonna get pizza soon."

12 He said, "Okay. We are making plans."

13 I replied, "My mom said you're coming."

14 Q. Okay.

12:01:31 15 A. He said, "Yes. Working on the details."

16 I said, "Cool."

17 He says "Yeah" with a smiley face. "I sent
18 your mom a pic."

19 Q. Okay. And that ended the KIK communications on

12:01:47 20 that day, and now going back to Government's Exhibit 20,
21 Page 9.

22 Now, we're back between the Google Voice
23 text messages between the defendant and you.

24 What was your response to the defendant?

12:02:13 25 A. "Yeah, but have you met a mom and young daughter?"

1 He said, "LOL, nope. That's the new part
2 of this."

3 I said, "I want to make you comfy, too."

4 He said, "I know and I appreciate that a
12:02:24 5 lot. Look, this is new to both of us, it really is, and
6 the first time is going to be awkward for me, you, and
7 specially her."

8 I said, "I suppose."

9 He said, "LOL, sorry."

12:02:37 10 I said, "No reason to apologize."

11 He said, "But you really did make me feel
12 so good about talking about it on the phone yesterday. I
13 was just, OMG," meaning Oh, my God, "You understand."

14 I said, "It's good to find someone like
12:02:56 15 me."

16 He said, "Yes, it is, so I am more than
17 sure it won't be strange when we meet. LOL, just the
18 first few moves might be a LOL awkward."

19 I said, "We will go with moment and figure
12:03:18 20 it out."

21 He said, "The underwear will do the trick.
22 Make her try them on for me."

23 I said, "That's so true. Perfect."

24 He said, "LOL. Winky face. I might make
12:03:34 25 you strip down then, too. Who knows?"

1 I replied with a smiley face.

2 He said, "I was kidding, but I would want
3 to see your goods, too, at some point."

4 I said, "Okay. We will figure that out as
12:03:50 5 we go."

6 He said, "Okay, what about Monday, the
7 29th? Too soon?"

8 I said, "Yeah, that could work. Can you
9 stay until New Year's Eve or no?"

12:04:02 10 He said, "But I could leave early that
11 morning and drive up, be there midday. Depends on work.
12 It might be a bunch of day trips starting off."

13 I said, "I will put in a time off request
14 at work if I'm working."

12:04:18 15 Q. And on Page 10, what was the conversation?

16 A. I said, "I will check the schedule tonight. I
17 gotta work at 6:00 p.m. tonight. Oh, okay. Well, a day
18 trip is better than no trip. LOL. I can help with gas
19 or whatever."

12:04:34 20 He said, "Well, I mean, I could be there
21 about 10/11. It would give us a few hours to get to know
22 each other before you work."

23 I said, "No. Tonight I work. I will take
24 off the 29th if you're coming."

12:04:50 25 He said, "LOL, okay. God, this is

1 exciting."

2 I said, "I know! You've made my day."

3 He said, "LOL, you made my week. How did I
4 make your day?"

12:05:03 5 I said, "Just by making plans."

6 He said, "LOL. Is it really that big of a
7 deal?"

8 I said, "I really hope it works out. You
9 still need to send a pic."

12:05:14 10 He said, "I promise I will. If I do send
11 it, can I get a nude one of Katie?"

12 I said, "I don't have any nude pics of
13 her."

14 He asked, "Can you get one?"

12:05:31 15 I said, "I don't know if I want to send
16 those kinds of pic out there on the web. You can take
17 pics when you come. I just want to get a feel for you
18 first."

19 He said, "What about an underwear and bra
12:05:45 20 pic? I swear to you I am not going to do anything with
21 them."

22 I said, "We will see."

23 He said, "Okay. I got a fair one. A bra
24 and undies of you then. It leaves her out of it."

12:05:59 25 I said, "What's to say you don't show up

1 and just want the pics? Okay. I will take a pic tonight
2 and send it."

3 He said, "You really think I would just go
4 to this much trouble for pics?"

12:06:17 5 I said, "I've known from past experiences
6 that guys go to great lengths. That's why I'm a little
7 cautious."

8 Q. As part of the Ohio Internet Crimes Against
9 Children task force protocol for sending pictures, can
12:06:29 10 you describe that regarding the defendant's request for a
11 nude photograph of Katie?

12 A. Our policy is we're not allowed to send any nude
13 pictures, and absolutely no child pornography.

14 Q. Okay.

12:06:46 15 A. And a nude picture of 13-year-old Katie in this
16 instance would be considered child pornography.

17 Q. What about nude photographs of adults, is that
18 permitted?

19 A. It's not permitted to send any pornography of any
12:07:01 20 kind.

21 Q. The defendant made a request for an underwear and a
22 bra pic of you, correct?

23 A. That is correct.

24 Q. Did you accommodate his request and send one?

12:07:11 25 A. I sent a photo depicting me laying on a bed, and I

1 am wearing a pink bra with a black lace detail.

2 Q. If we could go to Government's Exhibit 9, Page 25.

3 Do you see what's being depicted there?

4 A. Yes, I do.

12:07:34 5 Q. And can you please describe what's being depicted?

6 A. This is me approximately about a year ago.

7 I am wearing a pink bra with black lace
8 detail, and I sent this picture because I was not
9 comfortable sending a full body picture displaying myself
10 in a bra and underwear.

12:07:58

11 Q. Okay. So you sent this picture, this was via the
12 Experience Project?

13 A. That is correct.

14 Q. And that was in response to the defendant's
15 request?

12:08:11

16 A. That is correct.

17 Q. Okay. All right. Going back now to Government's
18 Exhibit 20, Page 11, back to the Google Voice text
19 messages between the defendant and you.

12:08:32

20 What was his response?

21 A. "I think we both are playing it very cautious and
22 I think we both need to at this point."

23 I said, "Once I know you're for real, I
24 will feel much better."

12:08:46

25 He said, "I think both will."

1 I said, "I want this work and be
2 long-term."

3 He said, "Me, too, sweetie, but I will be
4 honest, I feel more of a bond with you than her. IDK how
12:09:01 5 you feel about that."

6 I said, "Well, I want you to feel it with
7 her."

8 He said, "Okay. This is going to be
9 great."

12:09:11 10 Q. What was your response?

11 A. "I'm really excited. The days are gonna drag by,
12 LOL."

13 He said, "There. Bad pic but."

14 Q. What was he referring to?

12:09:25 15 A. He had sent a picture through another application
16 of him wearing some sunglasses in a vehicle.

17 Q. What was your response?

18 A. I said, "That's a good pic. You're cute."

19 He said, "Really? I will get you more
12:09:48 20 later."

21 I said, "Yes. I wish I could see your eyes
22 though."

23 He said, "Let's do this. You let me talk
24 on the phone with her tomorrow and I will get you one. I
12:09:59 25 have nice blue eyes."

1 I said, "Awesome. Katie has hazel eyes and
2 I have green."

3 He asked, "LOL. You have another pic of
4 you? Or her?"

12:10:11 5 I said, "Well, apparently you're not
6 getting the pics I've text you so when I get home I'll
7 send you pics from my computer."

8 He said, "LOL, try again. So when did you
9 start having sex?"

12:10:27 10 I said, "Okay. Sent ya a pic."

11 Q. Okay. Going to Page 12, what's the conversation?

12 A. I again tried to send a picture and there was an
13 error, and I said, "Tell me if you get it."

14 He said, "Fuck. Nope. Do it on EP."

12:10:52 15 I responded, "I was 10 my first time with
16 my uncle."

17 He said, "Oh, wow, you like it? LOL,
18 that's pretty young."

19 I said, "Okay, sent you one on EP."

12:11:06 20 He said, "Send me one of her. How old was
21 your uncle? There, sweetie, I want to hear all about you
22 and the uncle at some point. I only saw the one eye in
23 your purple hair pic, but, oh, my God, OMG, is it sexy."

24 I said, "Sorry. Out and about."

12:11:27 25 He said, "I thought you were working."

1 I said, "They didn't need me. It was
2 overtime but wasn't as busy as they predicted. More
3 shopping time for me. Can't complain. What are you up
4 to?"

12:11:43 5 He said, "Nice. Nothing. Shopping, too,
6 earlier. I saw some undies I want to buy her. They were
7 so cute. I didn't get them. I need to go back and do
8 it. So how old was your uncle and did you want to do
9 with him? I KIK'd Keith. Where is she though? Not to
12:12:05 10 keep bucking you, I am sure you're busy. How far from
11 the airport do you? I was --"

12 Q. And that ended the communications on December 13th,
13 2014?

14 A. Correct.

12:12:18 15 Q. Okay.

16 MR. McDONOUGH: Your Honor, may we
17 approach?

18 THE COURT: Yes, I was just going to have
19 you come here.

12:12:25 20 (Proceedings at side-bar:)

21 THE COURT: Where are we at with her,
22 Brian?

23 MR. McDONOUGH: It's a good time to break
24 here, Your Honor.

12:12:39 25 Your Honor, for the first two days here we

1 had to lay everything out on it. As we go through, we
2 will just hit the highlights as we go through, but I want
3 to make sure the jurors are able to have the sense of all
4 the communications.

12:12:51 5 THE COURT: Understood.

6 How much longer do you think you will be
7 with her on direct?

8 MR. McDONOUGH: On direct, we're going to
9 go into --

12:12:57 10 MR. FILIATRAUT: We still have three more.

11 MR. McDONOUGH: Three phone calls. The
12 phone calls will take 30 minutes.

13 THE COURT: Total?

14 MR. McDONOUGH: Or 35. 35 total. 15, 15
12:13:08 15 and five. They are one right after the other.

16 And then, you know, kind of depending on
17 the highlights, but we definitely have --

18 MR. FILIATRAUT: Probably another two
19 hours, I would say.

12:13:21 20 MR. McDONOUGH: Yeah, two to three.

21 MR. FILIATRAUT: Because we still have to
22 play the child porn as well, and that's before we get to
23 cross so.

24 MR. McDONOUGH: And we could, I mean we
12:13:33 25 could -- I mean, we could, depending on how quickly it

1 is, we could go today on it or --

2 MR. GREG McCORMACK: On direct?

3 MR. McDONOUGH: I don't want to be killing
4 the jury to have to play every single communication, but
12:13:48 5 I'd like to have her done, done today and have you be
6 able to start some cross if we can.

7 THE COURT: Okay. Greg, how long you think
8 for cross; couple hours?

9 MR. GREG McCORMACK: Yes, sir.

12:14:05 10 THE COURT: Okay.

11 MR. GREG McCORMACK: I will not be anywhere
12 near that long. Hit the highlights and get out.

13 THE COURT: Is it reasonable to say we
14 could wrap up by lunch tomorrow as far as the testimony?

12:14:19 15 MR. McDONOUGH: Yes.

16 MR. GREG McCORMACK: Yes, sir.

17 MR. FILIATRAUT: We'll have a second
18 witness here shortly. I could have him hang on or tell
19 him to come back tomorrow morning.

12:14:28 20 THE COURT: We'll see how -- we'll make
21 that call in the next break after lunch.

22 MR. McDONOUGH: All right.

23 THE COURT: See where we are at.

24 Let's break for lunch. We will take an
12:14:38 25 hour, I'll have them back at quarter after 1:00, and we

1 will bring them back up and get going.

2 MR. McDONOUGH: Yes, sir.

3 (End of side-bar conference).

4 THE COURT: Ladies and gentlemen, time for
12:14:49 5 lunch.

6 Please report back to the jury room at
7 1:15, and we will call you back up and continue the
8 examination.

9 (Jury out).

12:15:27 10 THE COURT: We're adjourned.

11 (Luncheon recess taken).

12 (Proceedings adjourned at 12:15 p.m.)

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1 TUESDAY, DECEMBER 1, 2015, 1:20 P.M.

2 THE COURT: Please be seated, ladies and
3 gentlemen.

4 Mr. McDonough.

13:23:40 5 MR. McDONOUGH: Yes, Your Honor.

6 DIRECT EXAMINATION OF MIRANDA HELMICK (RESUMED)

7 BY MR. McDONOUGH:

8 Q. We left off at the conclusion of the communications
9 as of December 13th, 2014.

13:23:52 10 There were some communications on
11 December 14th.

12 A. That is correct.

13 Q. Okay. And I'm going to turn your attention now to
14 December 15th, 2014.

13:24:06 15 Did you have an opportunity to have three
16 recorded calls with the defendant?

17 A. That is correct.

18 Q. Were you able to, turning your attention to
19 Government's Exhibit 33, were you able to record this
13:24:22 20 call in the same way that you recorded call 31?

21 A. That is correct.

22 Q. Okay.

23 MR. McDONOUGH: The government would like
24 to play Government's Exhibit 33, a recorded call on
13:24:33 25 December 15th, 2014, with Exhibit 34 as the transcript.

1 THE COURT: Go ahead.

2 MR. McDONOUGH: Thank you.

3 (Tape playing).

4 BY MR. McDONOUGH:

13:39:58 5 Q. That was the end of the Government's Exhibit 33,
6 the recorded call?

7 A. That's correct.

8 Q. Was the transcript, Government's Exhibit 34,
9 prepared in the same way as Government's Exhibit 32?

13:40:08 10 A. Yes, it was.

11 Q. All right. And then turning your attention to
12 Exhibit 20, Page 13 -- I'm sorry -- Exhibit 9, Page 27.

13 Do you see what's being depicted on the
14 screen?

13:40:28 15 A. Yes, I do.

16 Q. Do you recognize it?

17 A. Yes. This is me holding up my undercover driver's
18 license, State of Ohio, with the name Traci Nicole Black
19 showing.

13:40:42 20 Q. That was the undercover driver's license that was
21 created for you?

22 A. That is correct.

23 Q. Did you send this picture to the defendant?

24 A. Yes, I did, through Experience Project.

13:40:53 25 Q. And that was on December 15th of 2014?

1 A. That is correct.

2 Q. About 12:50 p.m.?

3 A. That is correct.

4 Q. And that was referenced in the phone call we just
13:41:03 5 heard, that you sent your driver's license pic?

6 A. Yes, it was.

7 Q. This is the photograph of that?

8 Okay. Turning your attention now to
9 Government's Exhibit Number 35, this is the next, next
13:41:23 10 phone call with Government's Exhibit 36 as the
11 transcript.

12 And please play.

13 (Tape playing).

14 BY MR. McDONOUGH:

13:56:48 15 Q. Was that the end of Government's Exhibit 35, the
16 recorded call?

17 A. Yes, it is.

18 Q. And what was the purpose during your calls
19 to -- recorded calls with the defendant?

13:57:01 20 A. I'm sorry, what was that?

21 Q. During -- at this point in the investigation,
22 you're talking.

23 What's the purpose of your talking with the
24 defendant?

13:57:11 25 A. It's just to gain some trust, confidence in each

1 other, get to know each other a little better.

2 Q. What was the reference to the 29th in that recorded
3 call?

4 A. That would be for December 29th, Mr. Vickers had
13:57:31 5 indicated that he would like to travel from Virginia to
6 Ohio on December 29th in order to meet 13-year-old Katie
7 and myself as the mother.

8 Q. Okay. And for this call, we're about two weeks
9 away from that date, correct?

13:57:45 10 A. That is correct.

11 Q. And then you had the last call, it would be
12 Government's Exhibit 37, this is a five-minute-27-second
13 phone call with the defendant, and the transcript is
14 Government's Exhibit 38.

13:58:02 15 Was the transcript prepared in the same
16 manner as Transcripts 36, 34 and 32?

17 A. That is correct.

18 MR. McDONOUGH: And could you please play
19 Government's Exhibit 37?

13:58:13 20 (Tape playing).

21 BY MR. McDONOUGH:

22 Q. Is that the end of Government's Exhibit 37 and the
23 transcript, Government's Exhibit 38?

24 A. Yes, it is.

14:03:42 25 Q. Okay. On December 15th, in addition to the

1 recorded calls, did you have communications with the
2 defendant via the Google Voice text messages?

3 A. Yes, I did.

4 Q. And turning your attention to Government's Exhibit
14:03:54 5 20, Page 16, can you tell us the conversation that takes
6 place here on December 15th?

7 A. Starts out with him saying, "No, I think we on the
8 same page on stuff and you don't judge sex with kids as a
9 bad thing. I mean, more of a lifestyle."

14:04:20 10 I said, "Exactly. I get what you're
11 saying. You don't think it's a bad thing, either, do
12 you?"

13 He said, "No, I love the idea."

14 I said, "Awesome."

14:04:32 15 He said, "And you want to watch us doing
16 it?"

17 I said, "Not necessarily if that weirds you
18 out, but I do want to make sure you're going to treat her
19 right."

14:04:42 20 He said, "It does, but it doesn't. I mean,
21 it really did on Friday. But I understand it more now.
22 How bad do you want to see it, for pleasure purposes? Be
23 honest. I do have a history, I was holding back you
24 about. I just didn't want to freak you out and wanted to
14:05:04 25 seem like a nice guy."

1 I said, "You're not gonna freak me out,
2 hon. I want you to be yourself. What else do you have
3 to tell me? I'm the least judgmental person."

4 He said, "I first got molested at the age
14:05:21 5 of 9/10 by some guy in the neighborhood. He was about 20
6 to 25. He used to meet me at the skatepark deep in the
7 woods. He would give me beer and show me porn magazines.
8 He would get me buzzed and looking at the magazines."

9 And I said, "So we both did stuff at age
14:05:44 10 10. How did you feel about the situation?"

11 He replied, "He would then usually suck me
12 off while I looked at the mags. This went on for a few
13 years. It was awesome until I turned about 12/13. Then
14 he tried sticking it in my ass. (That sucked). Then I
14:06:10 15 start to recognize it was "Gay" so I stopped doing it
16 with him. I loved it until then, but it started me in
17 this whole pedo thing, IDK how. Then I started acting
18 out on it myself."

19 And I said, "Well, that makes sense. I
14:06:30 20 don't think anything is wrong with trying and enjoying
21 things that society says is 'Gay.'"

22 He said, "LOL, but I am not gay. I was a
23 victim of the gay activity. Honestly, I have almost
24 killed myself BC," meaning because, "of the urges I have
14:06:50 25 had through the years."

1 Q. And on Page 17, how did the conversation continue?

2 A. I continued with "Oh, no, that's terrible."

3 And he said, "Tell me about you and your
4 uncle."

14:07:11 5 And I said, "He was 13 and we grew up more
6 like brother and sister and we 'Played' for like a couple
7 years, but then my mom found out and we moved."

8 He asked, "He was your first sexual
9 experience?"

14:07:26 10 And I said, "Yes."

11 And he said, "LOL, you're starting Katie
12 off kind of late at 13 then."

13 And I said, "Right? LOL."

14 And he said, "LOL. Just saying. If you
14:07:39 15 want to watch, it's cool, but what can't I do to her
16 that's 'Not treating her right'? LOL. It's sex."

17 I said, "Like hurting her."

18 And he said, "It's going to hurt no matter
19 what. It's her first time."

14:08:00 20 And I said, "I know that, but not like the
21 some extreme pain shit or weird fetishes."

22 And he said, "Oh, no, no violence."

23 And I said, "Okay, awesome." And I said,

24 "I think it will be fine in the house cuz Katie is

14:08:15 25 comfortable there and I don't have to be in the room but

1 just close by."

2 And he said, "But what if she changes her
3 mind when we get started and starts saying no or stop?"

4 And I said, "I can encourage her or
14:08:28 5 whatever. I don't think that will happen though."

6 And he said, "LOL, get her drunk. Kidding,
7 I want her to like it."

8 And I said, "That's a good idea. Loosen
9 her ip (sic) a bit."

14:08:41 10 And then I corrected the misspelling by
11 saying "Up."

12 He said, "Honestly, I am all for it. LOL.
13 If she got too loaded, I might need you in the room then
14 to help. I scheduled myself off for the 29th, that
14:08:59 15 Monday."

16 And I said, "Yay! I requested off, too.
17 You still thinking of driving?"

18 He said, "IDK, air fare is \$250. Debating.
19 If I leave at 4:00 a.m. I could be there midday, well,
14:09:17 20 10ish."

21 I said, "Ah, okay, I don't want to put you
22 out too much though."

23 He said, "But I really want this."

24 And I said, "As do I."

14:09:27 25 He said, "Cool. I will stop asking for

1 nudes. I thought about that yesterday, maybe too
2 perverted or aggressive, but you need to let me start
3 bonding with her some."

4 And I said, "It's not that. You can take
14:09:41 5 any pics you want when you're here and I will send ya
6 nudes after we meet."

7 Q. Okay. Turning your attention to Government's
8 Exhibit 17, Page 21, we're going to go back to the KIK
9 communications between the defendant and 13-year-old
14:10:04 10 Katie.

11 Drawing your attention to the left side of
12 the screen, can you read the conversation that is taking
13 place on December 15th?

14 This is the same day that you're having the
14:10:17 15 text messages between the defendant and yourself as the
16 mother profile?

17 A. That is correct.

18 Q. And the defendant's having KIK communications with
19 13-year-old Katie on the Government's Exhibit 17,
14:10:32 20 Page 21?

21 A. That's correct.

22 Q. And what is the conversation?

23 A. He starts by saying, "So you like porn?"

24 I responded, "IDK, ha-ha. You mean like
14:10:41 25 naked vids?"

1 He said, "Yeah, smiley face."

2 I said, "Yeah, it's cool. You?"

3 He said, "Love them."

4 I said, "You have lots?"

14:10:55 5 He said, "A few. You?"

6 I said, "No."

7 He said, "Awww."

8 I replied with a frowny face.

9 He replied back with a KIK video.

14:11:11 10 Q. What is the KIK video that the defendant sent to

11 13-year-old Katie profile?

12 A. The video is sent in the KIK messaging application,
13 and I don't have the video --

14 Q. Okay.

14:11:27 15 A. -- number in front of me.

16 MR. McDONOUGH: Actually, may we have the
17 back laptop?

18 And may we also have, without defense
19 objection, the gallery monitors turned off?

14:11:46 20 MR. GREG McCORMACK: We agree.

21 MR. McDONOUGH: Your Honor, with the
22 Court's permission, the government would like to play
23 from Government's Exhibit Number 5 the disk, file ending
24 in 666.

14:12:14 25 Government is going to play a

1 representative clip from this, 15-second clip from this
2 6-minute-and-16-second video.

3 THE COURT: Mr. McCormack, any objection?

4 MR. GREG McCORMACK: No, Your Honor.

14:12:30 5 THE COURT: Proceed, please.

6 (Tape playing).

7 BY MR. McDONOUGH:

8 Q. Do you recognize this video?

9 A. I do.

14:12:38 10 Q. What does this video depict?

11 A. This is a Caucasian female engaged in sexual
12 activity with a Caucasian male within a locker room.

13 (Tape playing).

14 BY MR. McDONOUGH:

14:13:16 15 Q. Was the girl in that video a minor?

16 A. She appears to be a teenager based off of her
17 development and her body.

18 Q. What was your response -- going back to the front
19 table, please -- Government's Exhibit 17, Page 21, to
14:13:36 20 that video?

21 A. I said, "Is that you in the video? That's cool."

22 He replied, "LOL, no."

23 Q. And turning to Page 22.

24 A. "You like it?"

14:13:52 25 I said, "Yeah, she's pretty. I don't look

1 like her."

2 Q. And what is sent -- what is sent next?

3 A. On my screen it is blacked out.

4 Q. Okay. And is it -- is it a video?

14:14:10 5 A. It would be another video.

6 Q. Okay. And did you have an opportunity to watch
7 these videos?

8 A. Yes, I did.

9 Q. The videos themselves, how were you able to collect
14:14:25 10 these videos as evidence?

11 A. I took a video camera from our office and videoed
12 my phone itself and the video playing on my phone.

13 Q. Do these videos themselves, do they remain on the
14 cell phone on which they are played?

14:14:48 15 A. If the application is deleted off of a device, all
16 messaging and videos will be deleted as well.

17 KIK also works with you have a certain
18 limit of messages that you can receive at any given time.
19 I do believe it's a thousand messages, so what will
14:15:12 20 happen is if you hit message 1001, it will delete message
21 one and continue forward.

22 Q. Okay. In the KIK social media app, is there a
23 memory limit on how many videos or how long a video may
24 be sent between users?

14:15:31 25 A. I could not testify to that.

1 Q. Okay.

2 A. I'm not sure.

3 Q. If the messages or the videos exceed the memory on
4 the KIK social media app, what happens?

14:15:46 5 A. Like I stated before, if you go over the limit on
6 messages, it will delete from the first message going
7 forward, and those text messages through KIK or videos
8 would also be deleted.

9 Q. What was your purpose in taking a video of the
14:16:03 10 videos that were sent by the defendant through the KIK
11 social media app to your phone?

12 A. I wanted to preserve the video evidence before they
13 were deleted.

14 Q. Okay.

14:16:35 15 MR. McDONOUGH: Your Honor, with the
16 Court's permission, the government would like to play
17 from disk five, the file ending in 542, a representative
18 sample of a 16-minute-and-28-second video in this case.

19 THE COURT: Mr. McCormack, any objection?

14:17:02 20 MR. GREG McCORMACK: No, sir.

21 THE COURT: Go ahead, Mr. McDonough.

22 (Tape playing).

23 BY MR. McDONOUGH:

24 Q. Do you recognize this video?

14:17:22 25 A. Yes, I do.

1 Q. What is this video?

2 A. This video depicts a Caucasian female, I would say
3 in her teenage years based off of her body development.

4 This video is quite a long video, and in it
14:17:43 5 depicts this female engaged in sexual activity with an
6 adult male.

7 Q. Are you familiar with the instructional video
8 regarding the hymen?

9 A. Yes.

14:17:55 10 Q. And how are you familiar?

11 A. This video also has instructions on how to
12 penetrate a female without breaking her hymen.

13 (Tape playing).

14 MR. McDONOUGH: Front table, please.

14:18:52 15 BY MR. McDONOUGH:

16 Q. And going to Government's Exhibit 17, Page 22,
17 after the defendant sent that video to the 13-year-old
18 Katie profile, what was his response?

19 A. He said, "What do you mean?"

14:19:11 20 I said, "She has boobs, ha-ha."

21 He said, "LOL. Do you?"

22 I said, "Not really. You still love me?"

23 He said, "Of course. They will grow."

24 I said, "Yeah."

14:19:25 25 He said, "IDC" -- meaning I don't care --

1 "about boobs, I am more about you."

2 I replied, "Cool."

3 Q. And Page 23?

4 A. "I'm happy."

14:19:39 5 He replied with a winky face.

6 I said, "BBL," meaning be back later.

7 "Gotta go eat."

8 He said, "Okay. Love ya."

9 I said, "Love you, too."

14:19:51 10 He replied back with a winky face. "Ask

11 your mom when I call you."

12 Q. Okay. And then did the defendant send another

13 video via KIK?

14 A. Yes, he did.

14:20:23 15 MR. McDONOUGH: Back table, please.

16 Your Honor, with the Court's permission,

17 the government would like to play from Government's

18 Exhibit 5, the file ending in 202.

19 THE COURT: Mr. McCormack, any objection?

14:20:35 20 MR. GREG McCORMACK: No. No objections,

21 Your Honor.

22 THE COURT: Go ahead, Mr. McDonough.

23 (Tape playing).

24 BY MR. McDONOUGH:

14:20:59 25 Q. Do you recognize that video?

1 A. Yes, I do.

2 Q. What does the video depict?

3 A. This video depicts a Caucasian female engaged in
4 sexual activity with a Caucasian male. Both parties look
14:21:13 5 to be in teenage years based off of their body
6 development and hair growth.

7 Q. And the sexual activity was vaginal intercourse?

8 A. That is correct.

9 Q. Front table, please.

14:21:32 10 And turning your attention to Government's
11 Exhibit 17, Page 23, on the right side, what did the
12 defendant say after sending that video to 13-year-old
13 Katie?

14 A. He said, "That will be you in two weeks."

14:21:52 15 Q. Okay. Two weeks from December 15th would be?

16 A. The December 29th that was previously discussed.

17 Q. Okay. What was the conversation
18 between -- following that, between the defendant and
19 Katie?

14:22:05 20 A. He asked, "When is your last day of school?"

21 Q. Page 24.

22 A. I responded, "Is that you? And Thursday."

23 He said, "No, what you doing?"

24 I said, "Watching a movie."

14:22:23 25 He asked "Which one?"

1 I responded, "Hunger Games."

2 He asked, "You like it? Honestly, I have
3 only seen part of the first one. Who is your favorite
4 singer right now?"

14:22:35 5 I responded, "Ya, it's awesome. I like
6 lots of music. Luke Bryan, Jason Aldean, Selena Gomez,
7 IDK, lots more."

8 He replied, "LOL. Okay."

9 I replied, "WBU," meaning what about you.

14:22:55 10 Q. And Page 25.

11 A. I also said, "Three Doors Down, Nickelback, R5."

12 He replied, "Nickelback is way cool. I
13 used to have their CDs. I like hard rock."

14 I replied, "Cool. Me, too."

14:23:14 15 He replied, "LOL, cool. I want to meet you
16 so bad."

17 I said, "Me, too."

18 He asked, "Have you ever kissed a guy?"

19 I said, "Yeah, like three boys at school."

14:23:28 20 He asked "French?"

21 I said, "You said you'd give me a pic.

22 What's that? Like tongue?"

23 He said, "Your mom has one. Yes."

24 I said, "A little bit. One boy was okay, I
14:23:46 25 guess."

1 He asked "You like it?"

2 I said, "Do you have a video of you? Ya,
3 it was cool."

4 He said, "No, sorry, no video."

14:24:00 5 I replied with a frowny face. "No pic" and
6 a frowny face.

7 He said, "LOL. Do you?"

8 I replied, "No. Ha-ha."

9 He replied, "LOL. Okay. Has a guy ever
14:24:17 10 touched you?"

11 I said, "Ya."

12 He asked where?

13 I said, "Ha-ha. All over. IDK. Anyway,
14 WYD" -- meaning what you doing -- "right now?"

14:24:32 15 He replied with a winky face. "Cool.
16 Nothing. You?"

17 Q. And on Page 27, what was the conversation?

18 A. He said, "LOL. Tell your mom you need the phone."

19 I said, "I'm watching a movie and she's
14:24:50 20 working. I can't bug her.

21 He said, "LOL. Okay."

22 I said, "I will get in trouble."

23 He said, "I just want to hear your voice."

24 I said, "And she's working." Excuse me.

14:25:07 25 That's a repeat there.

1 I responded, "Maybe later when she's off."

2 He replied with a winky face, "Okay."

3 And I said, "I will try."

4 And he said, "Okay."

14:25:22 5 Q. Okay. Now, turning your attention to Government's
6 Exhibit 20, Page 20, going back to the Google Voice text
7 messages between the defendant and the mother, can you
8 tell us the conversation that takes place on the same
9 day, December 15th, 2014?

14:25:48 10 A. That's correct.

11 Q. And what is the conversation?

12 A. He says, "I think EP is more real and stuff. I
13 know some guy who met a lady on EP, who was looking for
14 some guy to get her teen daughter pregnant. Crazy,
14:26:05 15 right? Winky face."

16 I replied, "Nah, that's not too crazy.

17 LOL."

18 He replied, "Does she watch a lot of porn?"

19 I replied, "Not a lot."

14:26:23 20 He asked, "You see her naked a lot? Is she
21 hairy?"

22 I stated, "No, she is not hairy."

23 He asked, "Shaved? Or just not growing
24 yet?"

14:26:31 25 I replied, "Peach fuzz but shaves as well."

1 He said, "And you need to get on KIK. I
2 can start showing you some real real stuff. It's crazy.
3 That's so cute."

4 I said, "Send it to Katie and she can show
14:26:50 5 me."

6 He said, "Just don't look at it on your
7 comp," meaning computer. "Do it on your phone. You cool
8 with her seeing young porn?"

9 I said, "Okay. I look at most pics on my
14:27:06 10 phone anyhow. And, yeah, it's more like her if they are
11 young."

12 He replied, "Mom of the year, winky face.
13 I swear to you on this, no videos or pics of Katie will
14 ever make the net or be traded. I really am thinking
14:27:23 15 long-term here and don't want to hurt or damage her."

16 I replied, "I appreciate you saying that."

17 He replied, "Or going on. But I also don't
18 do that, too. I mean, I watch others, but I never put
19 any one of anyone else on the net before. It's just
14:27:46 20 stupid to. Plus, there is a trust fact. When can I call
21 her? Hey, if she is out of school starting Friday, we
22 could move it up if we wanted. I am just excited and
23 want to meet you guys. I could make next Monday/possibly
24 Tuesday."

14:28:06 25 I responded, "You could spend two days with

1 us?"

2 He said, "Hmm, I meant it as either/or one
3 of those days, but possibly."

4 I said, "Okay. Oh, okay. LOL."

14:28:21 5 He said, "I mean, if you would have me.
6 Just saying, you being the overprotected mom. So you
7 tell me."

8 I said, "Of course you're welcome anytime."

9 He asked, "LOL. Where would I sleep?"

14:28:39 10 I replied, "Wherever you want."

11 He said, "Your bed, her bed, couch, floor,
12 IDK. Honestly, I just really want to meet you guys and
13 see what it's like and IDK."

14 I said, "Like I said before, we will figure
14:28:57 15 it out as we go."

16 He said, "Ex is only part of it. Gotcha.
17 I know we planned for the following week, but the more we
18 talk, the more real I know you are and I just want to get
19 to it. Hard to describe. Cause the S. Besides the
14:29:20 20 sooner we get started, the sooner you get that baby."

21 I said, "I understand. There's a
22 connection and possibility for long-term."

23 He said, "Yeah, let's do it. LOL. You
24 know what I mean."

14:29:35 25 I said, "Okay. Monday or Tuesday?"

1 He said, "Possibly" -- excuse me.

2 He said, "Probably Monday. Can you do?"

3 I said, "Let me look at next week's
4 schedule. One min."

14:29:54 5 He said, "Okay."

6 I said, "Woot, woot, I'm off Monday and
7 working Tuesday at 3:00 p.m."

8 He replied with a winky face, "Cool. So
9 you game?"

14:30:06 10 I replied, "Absolutely."

11 He replied, "Okay, winky face. I need to
12 talk to her though. I am so excited."

13 Q. And on Page 22, what was the conversation?

14 A. "BTW," meaning by the way, "will I need condoms?"

14:30:24 15 I said, "I'm excited, too. I know she will
16 be, too. That's up to you on the condoms."

17 He replied with a winky face. "I was
18 kidding about the condoms. I want to see your response."

19 I said, "I was hoping you wouldn't use them
14:30:39 20 but maybe some lube or something, or whatever you think
21 is best."

22 He said, "Do you I have some? LOL" --
23 sorry -- "Do you have some?"

24 I said, "I do not. Not sure what you like
14:30:54 25 to use."

1 He said, "LOL. IDK how wet she will be.

2 LOL, not that you would know."

3 I replied, "Right."

4 He said, "We could do this together."

14:31:10 5 I asked, "What do you mean?"

6 He replied, "We get her fully" -- excuse

7 me. "We get her really loaded the first time and you

8 help me get her in bed and undressed and watch me. I

9 mean, you want her to enjoy it more the first time or get

14:31:29 10 knocked up?"

11 I said, "Well, both, but that sounds like a
12 good plan. What do you like to drink?"

13 He replied, "K. Beer mostly. What would
14 knock her off her block quickest?"

14:31:46 15 I replied, "She's only had fruity wine
16 cooler stuff but it hits her fast. I don't think she's
17 ever been loaded though."

18 He said, "Sweet. Let's just get her juiced
19 up and do it. It will be a good bonding thing for us to
14:32:02 20 together cause I think we both kids. Let's get it going.
21 It's all love making."

22 I replied, "Sounds amazing. Is it Monday
23 yet? LOL."

24 Q. And then Page 23, what's the conversation?

14:32:20 25 A. He said, "LOL. No. Can I ask you two honest

1 questions? I won't judge you at all. We are partners in
2 this. Number one, are you bi? Number two, if you are,
3 did you do stuff with her when she was young?"

14:32:42 4 I said, "I'm not really into girls, but I'm
5 not completely against it if it happened at some point
6 but I won't seek it out. And I've never touched Katie."

7 He asked, "What about boys, desire there?"

8 I said, "Obviously I'm into guys."

9 He asked, "I mean little boys? Like under
14:33:02 10 10 or 10ish?"

11 I said, "I don't know. Never really
12 thought about it. Why? I've been more focused on
13 breeding Katie."

14 He said, "Well, let's do it that way. Get
14:33:16 15 her toasted and undress her together and you watch me and
16 help. It will be our thing and secret."

17 I replied, "Perfect," with a smiley face.

18 He said, "It will take a few times or
19 tries, I am sure, so we can get one try it the first day
14:33:33 20 of break and then if it goes well we can do it again
21 before she goes back."

22 I said, "Okay. She's off 'til the 5th."

23 He said, "We can work out the second time,
24 but let's get the first time. Are you getting wet
14:33:52 25 thinking about it? Okay. I am good for Monday. Xmas is

1 coming early, winky face."

2 Q. And that ended the Google Voice text messages
3 between the defendant and you on December 15th.

4 A. That is correct.

14:34:07 5 Q. Correct?

6 Following the next two lines on the page,
7 Page 23, could you read those?

8 A. The next one was from him saying, "Good morning. I
9 may end and send you another pic on PE."

14:34:26 10 Q. So that would be December 16th, 2014, correct?

11 A. That is correct.

12 Q. And turning your attention to Government's Exhibit
13 9, Page 28, do you recognize what this is?

14 A. I do.

14:34:38 15 Q. What is it?

16 A. This is a picture sent from jbeaver975 on
17 Experience Project to my profile and depicts David
18 Vickers in a bathroom doing like a selfie-type picture
19 with an iPhone with a tan-colored case.

14:35:01 20 Q. Do you recognize that iPhone with the tan-colored
21 case?

22 A. Yes, I do.

23 Q. And how do you recognize that?

24 A. Once we did an inventory, the cell phone was
14:35:13 25 seized.

1 Q. All right. This picture was sent by the defendant
2 to you via the Experience Project?

3 A. That is correct.

4 Q. On December 16th, 2014 at 5:51 a.m., correct?

14:35:26 5 A. That is correct.

6 Q. Okay. And turning your attention to Government's
7 Exhibit 20, Page 26, and if you go about lower half of
8 the page, do you see this Google text -- Google Voice
9 text message between the defendant and you starting with
10 "If we meet in public"?

11 A. Yes, I do.

12 Q. And could you read that from that part of the
13 conversation?

14 A. He said, "If we meet in public first somewhere, you
14:36:20 15 should make her wear a dress so I can fondle her in the
16 car on the way over, smiley face."

17 I replied, "Mmmm, that's a great idea."

18 He said, "LOL, just get to it. Or too
19 aggressive?"

14:36:38 20 The next line he sent a link to the
21 Experience Project and the file path is on Experience
22 Project.com/groups/was-molested-my-by-my-dad, and the
23 next line reads, "That's what I read on EP."

24 Q. And then turning your attention to Page 27, again
14:37:06 25 the bottom half of Page 27, do you see the text beginning

1 with, "But I was thinking"?

2 A. Yes.

3 Q. And could you please read that conversation?

14:37:19

4 A. He said, "But I was thinking getting her something
5 that would knock her out completely, but IDK."

6 I said, "Oh, like what?"

7 He said, "Rohypnol tablets."

8 I said, "I wouldn't even know where to look
9 for something like that."

14:37:34

10 He said, "You can get them online. They
11 are still legal, which surprised me."

12 I said, "Oh, cool, good to know."

13 He said, "LOL, yeah."

14 Q. And at the top of Page 28, what was the
15 conversation?

14:37:51

16 A. He said, "EWWWW, but IDK. I mean, used them back
17 in college, but IDK if I am that evil of a guy now."

18 Q. Then turning your attention to Government's Exhibit
19 20, Page 31, and what is the conversation that takes
20 place there?

14:38:20

21 A. He said, "Oh, no, you didn't. I find it amusing.
22 If she like you, I see a hard time getting into her
23 panties on a regular basis."

24 I said, "She's like me, but once a person
25 knows us, we are loyal. Kinda like the ride or die type

14:38:34

1 of girls."

2 He said, "Gotcha. I am just sexually
3 frustrated."

4 I said, "Well, that will change soon."

14:38:53 5 He said, "LOL, yeah. Huge load of cum."

6 I said, "MMM, nice."

7 He said, "Nice and warm." I replied with a
8 smiley face.

9 He said, "You like cum?"

14:39:01 10 And I said, "Yes, who doesn't? LOL."

11 He said, "LOL, I don't. I like disposing
12 of it. What's your fav position? LOL, I notice you
13 don't answer my sex questions."

14 I replied, "Sorry, just slammed at work.

14:39:23 15 And what's the point?"

16 He said, "Why not? I thought this might be
17 a mutual thing?"

18 I said, "Eventually maybe, but not right
19 now."

14:39:32 20 He said, "Oh, why not?"

21 I said, "We've had this discussion. It's
22 all about Katie this first time."

23 He said, "Okay. Sorry. I just got so into
24 you."

14:39:45 25 I said, "I just don't want to cloud the

1 ultimate goal here at this moment."

2 He said, "Understood. I just got
3 sidetracked. Sorry, I got emotionally tied to you with
4 this."

14:40:00 5 Q. And Page 32.

6 A. I said, "I can understand emotionally, but not
7 sexually right now."

8 He said, "K."

9 I said, "I didn't offend you, did I?"

14:40:12 10 He said, "No, I got sidelined on this. I
11 just got caught up on the idea of you. My fault, not
12 yours."

13 I said, "Okay. Just want us to be cool."

14 He said, "K. The driver's license thing is
14:40:29 15 going to be rough. They put the address and SSN number
16 and right in the middle. Blame the state on that. I
17 will try to dock it down."

18 Q. What was the point of having this conversation
19 regarding the defendant's driver's license?

14:40:48 20 A. I had previously sent a picture of my undercover
21 driver's license, and the conversation was about him
22 sending his driver's license to prove his real name.

23 Q. Up until this point in the investigation, did you
24 have the identity of David W. Vickers?

14:41:07 25 A. I did not.

1 Q. Turning your attention to Government's Exhibit 22,
2 do you recognize that?

3 A. Yes, I do.

4 Q. What is it?

14:41:20 5 A. This is a -- what appears to be a photocopied
6 picture of a picture of a license, and at the top it says
7 "Virginia" and depicts David Vickers.

8 Many things are grayed out, but you do see
9 the name David, comma, Wayne, the identification number
14:41:49 10 at the top, as well as blue eyes, height, expiration, and
11 a signature.

12 Q. Okay. How are you able to identify this as being a
13 Virginia driver's license?

14 A. Near the top you can see, it does say "Virginia."

14:42:13 15 Q. And then you mentioned there is the name David
16 Wayne is on there.

17 Can you indicate where that David Wayne is
18 on the exhibit?

19 A. It would be under the title where it says "Name"
14:42:30 20 and then it's blacked out and then underneath the first
21 blacked out area it says "David, Wayne."

22 And then to the right there is another
23 image and a curved name where you can see David Vickers
24 on the right-hand side of the driver's license.

14:42:52 25 Q. And when you say curved image with David Vickers in

1 writing, where is that on Government's Exhibit 22?

2 A. It would be to the right of the picture. You'll
3 see an image in an oval shape, and underneath that oval
4 shaped picture you'll see it's curved lettering that says
14:43:14 5 "David Vickers."

6 Q. Okay. What did you do with the identification
7 number on the driver's license that started with the
8 letter T?

9 What did you do with that?

14:43:25 10 A. Using my law enforcement portals, I performed a
11 query using TLOxp.

12 TLOxp is for law enforcement use, and what
13 it does, it goes out and searches for driver's license
14 numbers, utilities, addresses, any court actions such as
14:43:54 15 bankruptcies that would match that name.

16 Q. And were you able to find out the name associated
17 with the driver's license identification number?

18 A. Yes, I was.

19 Q. And what was the name?

14:44:04 20 A. David W. Vickers.

21 Q. Okay. And then turning your attention to Exhibit
22 20, Page 33, go back to the Google Voice text messages.

23 What was the conversation at the -- at the
24 top there?

14:44:20 25 A. He said, "I still want to do this and I am still

1 game for Monday, but I need more contact with her and
2 pics. I will do the license photo tomorrow when you --
3 when you give me a few of Katie. And I need to talk to
4 her on the phone. Whoops, they canceled my EP account.
14:44:42 5 Strange."

6 I said, "Seriously? Mine is still okay but
7 I have like six friends that say deleted. I wonder why.
8 I fucking hate today at work. So slammed."

9 He said, "LOL. Same here. The partner and
14:44:59 10 I had a huge blowout. The beginning of the end. I have
11 been trying to wrap my brain around it for a few weeks.
12 We are going to meet again next week. I am going to
13 propose to him then that he buys me out at a fair price,
14 and then I am going to take a few weeks off and travel or
14:45:21 15 just get out of town for a bit."

16 Q. And then that ended the Google Voice text messages
17 for December 16th, 2014?

18 A. That's correct.

19 Q. And then starting with December 17th, 2014, what
14:45:33 20 was the conversation?

21 A. He said, "Wow, EP pulled two of my accounts. Those
22 fuckers."

23 I said, "Damn. What did you do? LOL."

24 He said, "OMG, I have done a lot."

14:45:53 25 I said, "Didn't they give you a reason? I

1 got kicked off Motherless before, but they told me why."

2 He said, "I kinda worked the system for my
3 own benefit. I had 3/4 accounts at one time and was
4 conning some girls. It was shady."

14:46:11 5 I asked, "Conning girls? What do you
6 mean?"

7 He said, "Just getting pics and videos of
8 them, by making them think I worked for EP security. Why
9 did you get kicked off Motherless? I also helped some 15
14:46:28 10 YO" -- meaning year old -- "seduce her teacher and so
11 they had sex. Then there was another girl, she used to
12 tell me about her stepdad flirting with her so I told her
13 how to approach him and seduce him. Don't hate me for
14 doing that. It's going to happen with them anyway."

14:46:49 15 I said, "I don't hate you, but it makes me
16 question a lot of things."

17 He said, "I am sure. I know you're still
18 unsure about it at this point."

19 I said, "Well, what's to say you're not
14:47:04 20 playing me?"

21 Q. Then turning to Exhibit 20, Page 35, the bottom
22 half there, do you see the text message starting with, "I
23 almost drove up today?"

24 A. Yes. He said, "I almost drove up today I was so
14:47:30 25 pissed this morning about work and stuff."

1 I replied, "You should have. Smiley face.
2 We could have been having fun tonight."

3 He said, "LOL, we" with question marks?
4 "Do you mean her and me?"

14:47:47 5 I said, "I'd be having fun, too, knowing I
6 might be getting a kid out of it."

7 He said, "LOL, downstairs watching TV while
8 your little girl is becoming a woman?"

9 I said, "Yep, LOL."

14:48:03 10 He said, "Oh, Lord. And what if I just
11 called you out of the blue saying I was in town, like
12 tomorrow?"

13 Q. Okay. Then turning to Exhibit 20, Page 36,
14 starting with the top third of the page with the text
14:48:26 15 message "OMG. Really?"

16 A. He said, "OMG, really," with question marks. "What
17 good time would we be having. You're just going to be my
18 big titted mother-in-law (who I will be casually staring
19 at from time to time). We are supposed to have hate
14:48:54 20 relationship. Smiley face. Kidding of course, hon. But
21 if I came up like that, I guess she would be in school."

22 I said, "I can keep her out if you're
23 serious. Nothing is happening anyhow."

24 He said, "You are the coolest mom."

14:49:09 25 I said, "I try."

1 He said, "Well, I think what's going to
2 happen is I am DEF" -- meaning definitely -- "coming up
3 Monday. When I get into town, you just meet me for a
4 late breakfast or coffee somewhere and then we just see."

14:49:31 5 I said, "Okay. That works. So no on
6 tomorrow? Just checking so I know if I should keep Katie
7 home."

8 He replied in parentheses wink wink,
9 "Probably not. No."

14:49:44 10 I said, "Okay," with a smiley face.

11 He said, "That way we aren't legally
12 planning anything. It's just me and you getting coffee."

13 I said, "Okay, that works. I'm off today
14 and tomorrow and Monday and Tuesday next week."

14:50:00 15 He said, "And let's also be 100% clear.
16 You told me yesterday, you have 0% interest in a sexual
17 thing between me and you?" Smiley face and then in
18 parentheses wink wink.

19 I said, "Right now, correct."

14:50:20 20 Q. What did you interpret the wink wink to mean?

21 A. I interpreted the wink wink to be of a sarcastic
22 nature.

23 Q. Turning to Exhibit 20, Page 37.

24 A. He said, "Cause you're a good girl that likes make
14:50:43 25 a guy wait for a long time, I get and respect your virgin

1 values!!!! Get it????"

2 I replied, "Ha-ha, yes," with a winky face.

3 "We can talk over the phone in a bit if you want just so

4 I'm clear."

14:51:00 5 He said, "In a few. Cause all that talk

6 before, was just fantasy talk. At least on my end. How

7 about you?" In parentheses wink wink.

8 I replied with a smiley face, "Yep."

9 He said, "It just makes me sick seeing all

14:51:18 10 that stuff on EP, weirdos."

11 I replied, "When can I call you?"

12 He said, "In a few. I don't get coverage

13 until later."

14 I said, "Okay. Text me and I will call."

14:51:35 15 Then he asked "You like this approach?"

16 I said, "Sure, but I want to talk over the

17 phone so I know for sure this approach. Plus, talking on

18 the phone is just safer," smiley face.

19 He said, "LOL, safer?"

14:51:54 20 I said, "Yeah, no hard copy of our

21 conversation."

22 Q. And what did you mean by that in this point of your
23 communications with the defendant?

24 A. I was trying to have a conversation over the phone

14:52:09 25 because I honestly was a bit confused about the sarcastic

1 nature of the wink winks, and I wanted to be sure in what
2 he was trying to talk about.

3 Q. Okay. Did you have any concerns about that
4 sarcastic nature?

14:52:26 5 A. I, like I said, I was just confused. I don't know
6 if I necessarily had a concern. I just wanted to be
7 clear on what he was wanting to talk about.

8 Q. Okay. Turning your attention to Exhibit 20,
9 Page 40, and tell us the conversation that takes place
14:52:51 10 there.

11 A. He said, "But I don't know Katie. Just you. Fuck,
12 you're right, I have been too freaking paranoid. I want
13 to be with you so bad but just paranoid."

14 I said, "Of course you know more about me.
14:53:09 15 I am a mother. It's my job to watch out for my kids."

16 He said, "I know, but it's just so IDK."

17 I said, "Sorry."

18 He said, "You're just super amazing. I
19 don't want to loose you. LOL, I was really geared up for
14:53:29 20 Monday, too. Smiley face."

21 I said, "I think I've clouded your wants
22 and desires. I pushed Katie on you and I'm sorry for
23 that. You said all that stuff you were gonna do with
24 her, but I don't think you're into young girls. I think
14:53:46 25 you're into me, and just said whatever you thought I

1 wanted to hear."

2 He replied, "No, I really, really am I to
3 younger."

4 I said, "I suggested the breeding of Katie,
14:54:01 5 not you."

6 He said, "See, I would do that for you,
7 it's a double whammy because I want that. Look, I want
8 it. I want it bad. But it's got to be practical though.
9 And I really do want to do it to Katie bad. I will do it
14:54:21 10 if you want, be my honor, smiley face."

11 I said, "It's not about me, though. See, I
12 know exactly how you are. You're willing to do anything
13 I ask. I would never force someone to do something they
14 don't want to do."

14:54:40 15 He replied, "Good points, and I have wanted
16 it to be about you recently because you have been the
17 main contact. But what I really want is to get into your
18 daughter's pants and make her moan. That's when this did
19 begin with and that's what I want."

14:54:59 20 Q. Okay. What was your purpose in going through this
21 conversation with the defendant regarding clouding wants
22 and desires and that?

23 A. I was trying to see if this was more about a
24 fantasy or if this was about a role playing between two
14:55:19 25 consenting adults.

1 I was trying to gauge what his wants and
2 desires were.

3 Q. And how would you find out what his wants and
4 desires were?

14:55:31 5 A. I basically told him, as you can -- what I just
6 stated, you know, I felt like I had put these ideas in
7 his head and that he really didn't want this.

8 Q. Did you give him an opportunity to answer?

9 A. Absolutely. I gave him the opportunity to agree
14:55:56 10 with that statement, but that was not -- it was not an
11 agreement of my statement to him.

12 Q. Are you familiar with giving an out?

13 A. Yes, I am.

14 Q. What is giving an out?

14:56:07 15 A. Oftentimes in an undercover investigation, I'll
16 give an out, meaning I will give that person the
17 opportunity to bow out of conversations, to not continue
18 further in conversations.

19 Q. Did you have an opportunity to give the defendant
14:56:29 20 outs?

21 A. On several occasions.

22 Q. All right. Turning your attention to Government's
23 Exhibit 20, Page 41, do you recognize the cell phone
24 number at the top of the page?

14:56:44 25 A. Yes, I do.

1 Q. Could you read the cell phone number in the
2 conversation that starts?

3 A. The cell phone number is 703-909-6643.

4 Q. And who is this number associated with?

14:56:59 5 A. This number belongs to David Vickers.

6 Q. And what did he say?

7 A. He said, "Okay, this is my regular cell phone which
8 I will call you on from now on. But I would rather text
9 you on the text app during business hours. I get tons of
14:57:17 10 text for work during the day."

11 Q. Okay. And then turning your attention to Exhibit
12 20, Page 42, it's about a third of the way at the top of
13 the page with the text message, "Let's be clear, you're
14 still my partner in this."

14:57:38 15 Could you tell us what the conversation is
16 there?

17 A. He said, "Let's be clear, you're still my partner
18 in this, but I will put the focus back on her."

19 I said, "Like?"

14:57:50 20 He said, "I want to breed her ASAP. I also
21 want to see if I can be with her LTR," meaning long-term,
22 "RIM, too. I see a lot of benefits in being with a
23 relationship with a 13 YO," meaning year old.

24 I said, "Mmmm, tell me more, what are the
14:58:15 25 benefits? I'm curious."

1 He said, "I mean, she is just developing
2 now. Her little body is just primed to be used for
3 pleasure, and I can watch her develop through the years
4 as she gets older. I think girls are ready sexually at 9
14:58:29 5 to 14, so she is right there."

6 I said, "Hmm, I suppose you're right. I'm
7 new to all this so I guess I will take your word on it,
8 LOL."

9 He said, "Well, IDK what you have taught
14:58:44 10 her about family love, but with your lead, she could be
11 taught behind closed doors" -- excuse me -- "behind
12 closed front of the house. Trust me, I am more about
13 getting into her panties than yours."

14 I said, "I trust you," with a smiley face.

14:59:06 15 He said, "LOL. Is she really 13 or is she
16 younger?"

17 I said, "She's really 13. LOL. My friend
18 has younger. My Katie turns 14 July 3rd."

19 He asked, "How young? Is she the one that
14:59:23 20 does this?"

21 I replied, "11 and 14, and yes."

22 He responded, "Wow, 11," with a smiley
23 face, "but we can get that out of Katie if she is knocked
24 up."

14:59:41 25 I said, "Very true. That's really

1 long-term on your part though."

2 THE COURT: May I see counsel, please?

3 MR. McDONOUGH: Yes.

4 (Proceedings at side-bar:)

14:59:58 5 THE COURT: Time for a break, guys.

6 MR. McDONOUGH: Sure.

7 THE COURT: How much longer on this before
8 we go to -- do you have any more videos?

9 MR. McDONOUGH: Yes. We're going to
15:00:08 10 have -- we have additional videos, the bestiality videos
11 and a couple more child videos.

12 THE COURT: How long do those last?

13 MR. McDONOUGH: You know what? Let's see,
14 there would be --

15:00:20 15 THE COURT: Are we going to finish her
16 today on direct?

17 MR. McDONOUGH: Yes. Oh, yeah.

18 THE COURT: Okay. And you have another
19 witness?

15:00:25 20 MR. FILIATRAUT: I do. We'll call him off
21 today.

22 THE COURT: Okay. All right. How long is
23 that witness going to be?

24 MR. FILIATRAUT: I would say --

15:00:34 25 THE COURT: Kevin, you doing that witness?

1 MR. FILIATRAUT: I am doing that witness.

2 We went through a lot of exhibits with him,
3 but he's, I would say, maybe an hour from direct at most.

4 THE COURT: Okay. Well, let's get done
15:00:50 5 with her today and start cross tomorrow morning.

6 Sound right?

7 We'll take a 15-minute break, and you will
8 be at least 5 minutes to an hour left?

9 MR. McDONOUGH: Sure.

15:01:01 10 THE COURT: Okay. All right, guys, let's
11 do that.

12 MR. McDONOUGH: Thank you.

13 (End of side-bar conference).

14 THE COURT: Ladies and gentlemen, 15-minute
15:01:08 15 break.

16 (Recess taken).

17 THE COURT: Please be seated, ladies and
18 gentlemen.

19 Mr. McDonough.

15:21:14 20 MR. McDONOUGH: Thank you, Your Honor.

21 BY MR. McDONOUGH:

22 Q. Turning your attention to Government's Exhibit 20,
23 Page 43, that top half of the page, I'm going to go back
24 to the Google Voice text messages between the defendant
15:21:28 25 and the mother profile.

1 Do you see the line starting, "Right now, I
2 want Katie"?

3 A. Yes, I do.

4 Q. And could you please tell us the conversation from
15:21:38 5 this point.

6 A. He said, "Right now I want Katie LTR" -- meaning
7 long-term relationship -- "One big happy family."

8 I replied with a smiley face.

9 He said, "And the kids will be exposed to
15:21:53 10 sex at a young age."

11 I asked, "What age do you think it good?
12 I've heard so many opinions on that subject."

13 He said, "IDK what age is good for what, I
14 am really not sure, but I want to experiment. IDK if
15:22:12 15 diapers come off or if it happens later. IDK."

16 I said, "The youngest you fucked was 11,
17 you said?"

18 He replied, "Yes."

19 I asked, "How long ago was that?"

15:22:29 20 He said, "Maybe she was 10. Long time. In
21 college."

22 I said, "You never really told me how that
23 came to be. LOL. So it's been a long time since you've
24 been with a young girl?"

15:22:44 25 He said, "I meet her in a park when I was

1 in college. I was really good looking back then, like
2 22/23."

3 I said, "You're still good looking, winky
4 face."

15:22:58 5 He said, "I mean that young, yes."

6 I said, "How did it happen? Did you know
7 her? How were you able to fuck her without her parents
8 knowing, or did they know?"

9 He said, "No, I looked really good back
10 then. I need to cut 20 pounds right now."

11 Q. During the course of your investigation, were you
12 able to obtain messages that the defendant sent while he
13 was on the website the Experience Project?

14 A. Yes, I was.

15:23:28 15 Q. May we have the Elmo on, please?

16 Showing you what's been marked for
17 identification purposes as Government's Exhibit 12, do
18 you recognize this?

19 A. Yes, I do.

15:23:48 20 Q. What is it?

21 A. This would be private messages sent from jbeaver975
22 on Experience Project to other users.

23 Q. And what were the two postings by the defendant,
24 the private messages made on the Experience Project?

15:24:09 25 A. The first one was, "I have seen videos of young

1 ones getting fuckered -- fucked," sorry, "winky face. I
2 have seen 5-9. I think 8 is a great age. Winky face."

3 And the second statement was, "I have been
4 with 11 before. She was actually 10, I think."

15:24:34 5 Q. Okay. And the reference during the Google Voice
6 text messages involves someone who is 11 or possibly 10?

7 A. That is correct.

8 Q. Okay. At the bottom half of Exhibit 20 on Page 43,
9 could you start with the line, "This was when"?

15:24:56 10 A. He said, "This was when I was just getting into
11 child porn and AOL was around, Internet first years. I
12 just started talking to her at the park. She was by
13 herself."

14 Q. And turning to Exhibit 20, Page 44.

15:25:12 15 A. He said, "We should run together."

16 I asked, "Are you into child porn still? I
17 have friends that are collectors."

18 He said, "Not as much. If I watch it, I
19 get sucked into it."

15:25:28 20 I said, "I'm not real savvy on where to
21 look, but my friends have given me some."

22 He said, "It's like I can't stop with one,
23 I have to watch 50. What age are they?"

24 I said, "LOL. Time consuming. Toddler on
15:25:48 25 up."

1 He asked, "What do you like? Ages?"

2 I said, "It's kinda like when I watch
3 series on Netflix, I binge watch seasons."

4 He replied, "Same here. That's what
15:26:04 5 happened to me tonight. I did get sidetracked with you,
6 but I went back and watched some stuff on KIK of 13/14
7 YOS," meaning year olds. "I was hmm, that's what I
8 really want at this point and can really get, smiley
9 face. You need KIK account. There is stuff on there."

15:26:25 10 I asked, "How how does that work on KIK?
11 Can I have Katie just search for stuff, or does it have
12 to be sent from friends?"

13 He said, "Sent from friends or you join a
14 group."

15:26:39 15 I replied, "Maybe I'll make an account
16 tomorrow."

17 He said, "It doesn't download to your
18 device. So if you delete the app, it deletes the
19 videos."

15:26:50 20 Q. Turning your attention to Government's Exhibit 18,
21 Page 1, this is an 87-page exhibit.

22 Do you recognize this exhibit?

23 A. Yes, I do.

24 Q. What is it?

15:27:03 25 A. These are screenshots of an iPad which had the KIK

1 application downloaded and these are screenshots of a KIK
2 communication between myself posing as the mother in this
3 case, and Mr. Vickers.

4 Q. At the top it says "J is typing."

15:27:29 5 What does that refer to?

6 A. I believe the vanity name was the same as the one
7 that was shown on Katie's KIK for JB.

8 Q. Okay. And the communications with the red dot and
9 the gray box, who are those from?

15:27:49 10 A. Those are from Mr. Vickers.

11 Q. And what are your responses?

12 A. My responses are the green boxes.

13 Q. Okay. And turning to Page 2, what is the
14 conversation there?

15:28:09 15 A. I start by saying, "Hi, there."

16 He replied, "Tracy" with a question mark?

17 I replied, "Yes, and it's Traci."

18 He said, "I knew that. It's auto spell."

19 And then the next message was a video

15:28:30 20 through KIK.

21 MR. McDONOUGH: Could we go to the back
22 table, please, and please turn off the galley monitors?

23 Your Honor, with the Court's permission,

24 the government would like to play from Government's

15:28:44 25 Exhibit 5 the file ending 441.

1 THE COURT: Mr. McCormack?

2 MR. GREG MCCORMACK: No objection, sir.

3 THE COURT: Go ahead, Mr. McDonough.

4 (Tape playing).

15:28:59 5 BY MR. McDONOUGH:

6 Q. Do you recognize this?

7 A. Yes, I do.

8 Q. What does this depict?

9 A. This depicts three nude prepubescent females
15:29:09 10 engaged in oral sex with one of the children.

11 During that video, it is observed that they
12 are giving -- they're getting direction from somebody
13 that's holding the camera.

14 MR. McDONOUGH: Front table, and please
15:29:38 15 turn on the gallery monitors.

16 Q. Turning to Exhibit 18, Page 3, what was the -- what
17 did the defendant communicate after sending you that
18 video?

19 A. He said, "Okay, see if you can watch that one and
15:29:55 20 then I will send you another."

21 Q. Okay. And Page 4?

22 A. "Just make sure you KIK video is working."

23 MR. McDONOUGH: Okay. Back table, please,
24 and please turn often the public monitors.

15:30:29 25 And with the Court's permission, the

1 government would play from Government's Exhibit 5, file
2 ending in 440.

3 THE COURT: Mr. McCormack.

4 MR. GREG McCORMACK: No objections, Your
15:30:41 5 Honor.

6 THE COURT: Go ahead, Mr. McDonough.

7 (Tape playing).

8 BY MR. McDONOUGH:

9 Q. Do you recognize this video?

15:30:56 10 A. Yes, I do.

11 Q. What does this video depict?

12 A. This video depicts a female prepubescent child
13 wearing a pink and white dress which is pulled up above
14 her belly button, engaging in vaginal sex with an adult
15:31:14 15 male, and white or pink liquid is seen to exit the male's
16 penis onto the child's stomach.

17 MR. McDONOUGH: Front table, and please
18 turn on the public gallery monitors.

19 Q. Turning to Government's Exhibit 18, Page 5, what
15:31:44 20 did the defendant send to you after sending that video?

21 A. I told him, "I can see it."

22 He asked, "Do you like or no?"

23 Q. And on Page 6, what was the conversation?

24 A. He asked me, "How old is she?"

15:32:05 25 Q. And on Page 7, what's the conversation?

1 A. I asked, "Where did you find all these? I don't
2 know. She looks pretty young."

3 Q. And his responses?

4 A. He said, "Different people."

15:32:17 5 Q. Page 8, what was the conversation?

6 A. He asked, "You like? She Katie's age?"

7 I replied, "She might be or a little
8 younger. So how do you find this stuff on here? You
9 said you'd show me."

15:32:33 10 He said, "Just through different groups."

11 I said, "One day I will."

12 Q. And Page 10?

13 A. "Is she underage or fake? Honestly, you like it
14 or no?"

15:32:50 15 I said, "That looks more like Katie."

16 He replied with a winky face.

17 Q. Did the defendant send you a series of videos
18 through the social media app KIK that you had an
19 opportunity to view?

15:33:06 20 A. Yes, he did.

21 Q. And for all those videos, did you have an
22 opportunity to collect those as evidence?

23 A. Yes, I did.

24 Q. And how did you do so?

15:33:14 25 A. I was able to video them the same way I videoed the

1 other movies that were sent to Katie in the same fashion.

2 Q. Did the defendant, in addition to sending you those
3 videos, also send you videos involving bestiality?

4 A. Yes, he did.

15:34:04 5 Q. And what videos did he send you regarding
6 bestiality?

7 A. He sent me a Dropbox link contained in a KIK
8 message that I would have to click on in order to access
9 the Dropbox, Dropbox link or container containing several
15:34:30 10 bestiality videos.

11 Q. And turning to Government's Exhibit 18, Page 84.
12 Do you recognize this?

13 A. Yes, I do.

14 Q. And what does this depict?

15:34:46 15 A. This is the Dropbox link that I clicked on within
16 the KIK application. And within that Dropbox link are
17 these movies with the titles as you can see, and you're
18 able to click on each title and view the movie.

19 Q. Okay. What is Dropbox?

15:35:09 20 A. Dropbox is like a Cloud storage so you don't have
21 to store pictures or videos on a device, but you can
22 store them in the Cloud or virtually.

23 Q. Okay. Turning to Exhibit 18, Page 85, what does
24 this depict?

15:35:33 25 A. This is a continuation of that Dropbox link with

1 more videos contained within that link.

2 Q. And Page 86?

3 A. Again this is the same continuation of the videos
4 contained in that Dropbox link.

15:35:53 5 Q. And then lastly, Page 87?

6 A. This is the Dropbox link opened with the file
7 folder titled, "Bestiality."

8 MR. McDONOUGH: Okay. If we could go to
9 the back table and have the public gallery monitors off,
15:36:13 10 please.

11 With the Court's permission, the government
12 would like to play from Government's Exhibit 5, the file
13 ending in 4354.

14 THE COURT: Mr. McCormack?

15:36:38 15 MR. GREG MCCORMACK: No objection, Your
16 Honor.

17 THE COURT: Go ahead, Mr. McDonough.

18 (Tape playing).

19 BY MR. McDONOUGH:

15:36:51 20 Q. Do you recognize this bestiality video?

21 A. Yes, I do.

22 Q. What does the video depict?

23 A. This video depicts a blonde female with her hair in
24 pigtails. She can be seen licking and sucking the erect
15:37:08 25 horse's penis and then inserting the horse's penis into

1 her vagina.

2 MR. McDONOUGH: With the Court's
3 permission, the government would like to play from
4 Government's Exhibit 5, the file ending in 4413.

15:37:32 5 THE COURT: Mr. McCormack?

6 MR. GREG MCCORMACK: No objections, Your
7 Honor.

8 THE COURT: Go ahead, Mr. McDonough.
9 (Tape playing).

15:37:41 10 BY MR. McDONOUGH:

11 Q. Do you recognize this video?

12 A. Yes, I do.

13 Q. What does this video depict?

14 A. This video depicts a brunette female encouraging a
15 yellow Labrador K-9 to lick her genitals as well as
16 inserting the K-9's penis into her vagina.

17 (Tape playing).

18 BY MR. McDONOUGH:

19 Q. Did the defendant send those bestiality videos to
15:38:35 20 you through the KIK social media app?

21 A. Yes, he did.

22 Q. Okay. And the time period for those videos sent to
23 you, to both Katie, the 13-year-old, and you and the
24 mother profile on the social media app KIK was from the
15:38:58 25 range of December 15th through December 31st, 2014?

1 A. That is correct.

2 Q. Okay. Did you have further conversation regarding
3 the defendant coming to Ohio?

4 A. Yes, on several occasions.

15:39:17 5 Q. Okay. What was the date that it was planned to
6 come to Ohio?

7 A. The first date was the 29th of December of 2014.

8 Q. Okay.

9 A. The next date was January 5th of 2015.

15:39:36 10 Q. Okay. Turning your attention to Government's
11 Exhibit 20, Page 107, and can you tell us the -- actually
12 go to Exhibit 20, Page 108.

13 Can you tell us the conversation from the
14 start of the top half of the page?

15:40:09 15 A. He said, "I just don't want to get out there (if I
16 decide to come) get snowed in, and then you're stuck with
17 me for a while. I doubt you want that."

18 I sent him a link for the weather forecast
19 for Parma, Ohio for a daily weather forecast. That link
15:40:35 20 is seen in my text message.

21 Q. And what was the weather forecast, for what date?

22 A. I can't tell.

23 It was a daily weather forecast. It would
24 have been for January 5th of 2015.

15:40:49 25 Q. Okay. And what was the conversation?

1 A. I said, "You know you're welcome for as long as you
2 want, but if you don't want to come, that's fine."

3 He said, "Well, we'll see," with a smiley
4 face.

15:41:03 5 I said, "You're not going to come anyhow so
6 IDK why we are discussing weather. It's another excuse."

7 He said, "We will see in a few hours.

8 Forces of nature are bringing it together this time

9 around compared to others. Not that you care at this

15:41:20 10 point. Smiley face. I plan proving you wrong. I just

11 hope everything 'Fits in' together. Smiley face."

12 I said, "I'll believe it when I see it."

13 He said, "How bad do you want me to? LOL.

14 Or does she, I mean?"

15:41:42 15 I said, "Look, I don't feel the need to
16 have to reassure you in any way in order to get you to
17 decide to come."

18 He said, "I was just asking, but you're
19 probably right, so why bother asking." And a winky face.

15:42:00 20 "Take care, unless I text you in the
21 morning."

22 I said, "Right. Have a good night."

23 He said, "K."

24 Q. And that ended the Google Voice text messages for
15:42:18 25 January 4th, 2015?

1 A. That is correct.

2 Q. And then the following day, January 5th, 2015, can
3 you tell us the conversation you had with the defendant?

4 A. 2:30 a.m., January 5th of 2015.

15:42:28 5 He said, "Can I just get one pic of the two
6 of you together? Good morning."

7 And then there was two pictures sent.

8 He said, "The little blue dot is my -- is
9 me on my map app so 9 to 9:30? 129 miles out. You
15:42:52 10 awake?"

11 Q. Okay. And then just turning to Government's
12 Exhibit 23, Page 28, do you recognize what this depicts?

13 A. Yes, I do.

14 Q. What is it?

15:43:11 15 A. This is a screenshot of the GPS from Mr. Vickers'
16 phone with the predetermined meet location located at the
17 top of this screenshot that says "Jordan's Family
18 Restaurant."

19 It says it will take
15:43:38 20 five-hours-and-eleven-minutes to arrive and it's 341
21 miles.

22 Q. Okay.

23 A. And on the screen you can see the map with the
24 green dot being near Maryland area, to the red dot in the
15:43:55 25 Cleveland area.

1 Q. Okay. And turning your attention to Government's
2 Exhibit 21, Page 1, you recognize that?

3 A. Yes, I do.

4 Q. What is that?

15:44:10 5 A. This is Jordan's Family Restaurant located in
6 Parma, Ohio.

7 Q. And is Jordan's Family Restaurant in Parma, Ohio,
8 is that located in the Northern District of Ohio, Eastern
9 Division, for purposes of venue?

15:44:23 10 A. Yes, it is.

11 Q. Okay. And then turning your attention back to
12 Government's Exhibit 23, Page 29, you recognize what this
13 depicts?

14 A. Yes, I do.

15:44:35 15 Q. What is it?

16 A. This is a picture of a rest area map screen, and it
17 shows where, it says "You are here" and it says "New
18 Stanton Service Plaza in Hunker, Pennsylvania."

19 Q. Okay. And did you receive this, this photograph?

15:44:59 20 A. Yes, I did.

21 Q. How so?

22 A. I received this through the Google Voice text
23 messaging.

24 Q. Okay. And then turning your attention to
15:45:13 25 Government Exhibit 23, Page 31, do you recognize that?

1 A. Yes, I do.

2 Q. What is it?

3 A. This is a Pennsylvania Turnpike fare receipt that
4 has basic info that is contained on every toll receipt as
15:45:33 5 far as like the entry, how much is paid.

6 At the top it does say "Pennsylvania."

7 Q. What was the amount paid?

8 A. \$16.20.

9 Q. Okay. Going back to Government's Exhibit 20,

15:45:46 10 Page 109, in the Google Voice text messages, in the top
11 half there, can you tell us the conversation starting
12 with "My Pennsylvania Turnpike receipt."

13 A. He said, "My Pennsylvania Turnpike receipt, fucking
14 \$17, Jesus."

15:46:12 15 I said, "Okay. Wow. That's expensive!"

16 He said, "That's a huge toll."

17 And another picture was sent and received.

18 And then he said, "LOL. I mean what other
19 proof can I give you right now?"

15:46:28 20 I said, "I believe you. Just be careful.

21 We have like a dusting of snow."

22 Q. Okay. And turning your attention to Government's
23 Exhibit 23, Page 34, do you recognize this?

24 A. Yes, I do.

15:46:45 25 Q. And what does this depict?

1 A. This is a picture, and you can see, it's kind of
2 hard to see, I don't know if you zoomed in, there is a
3 road sign that says "Cleveland Akron" and "Highway 71."

4 Q. Okay. Are you familiar with the Ohio Turnpike?

15:47:14 5 A. Yes, I am.

6 Q. And Interstate 77?

7 A. Yes, I am.

8 Q. Okay. How did you receive this photograph?

9 A. This was sent to me through the Google Voice text
15:47:28 10 messaging.

11 Q. Okay. Turning to Government's Exhibit 20,
12 Page 111, can you tell us the conversation here on the
13 morning of January 5th, 2015?

14 A. He asked, "Is she ready for all this?"

15:47:48 15 I asked, "What are you wearing? You gonna
16 be inside or we meeting outside? She's so excited."

17 He said, "Not sure where. I am so
18 nervous."

19 I said, "Everything is fine, hon. I'm a
15:48:03 20 little nervous, too, but we will be okay."

21 He asked, "You sure you're not law
22 enforcement? Got ask."

23 I said, "I guess I should be asking you
24 that. LOL."

15:48:16 25 He said, "I am. Are you? Kidding."

1 I said, "LOL. It's good we can joke.
2 Eases the nerves."

3 He asked, "Are you law enforcement?"

4 I replied, "No. LOL. You've seen my hair,
15:48:35 5 tats and boobs, LOL."

6 He said, "LOL, not recently" with a winky
7 face.

8 I replied with a smiley face. "All my pics
9 were recent."

15:48:49 10 He said, "Let NW see one of you guys."

11 I said, "Should we drive that way yet."

12 He said, "No, will let you know. Still a
13 ways out."

14 I asked, "Like how far? I can drive down
15:49:09 15 and wait for you if you want."

16 He said, "I think 20 to 35."

17 I said, "Okay. I'll leave in like 10 and
18 park. We are in a white Honda CRV."

19 He said, "Send me a pic."

15:49:24 20 I asked, "What are you driving? I guess it
21 will be better if we meet outside so it won't be awkward
22 inside meeting."

23 He said, "Pic please. Winky face."

24 I said, "Until I know you're here I'm not
15:49:40 25 sending that pic. You've jerked us around so much."

1

2 Q. Turning to Government's Exhibit 21, Page 2, do you
3 recognize this photograph?

4 A. Yes, I do.

15:49:53 5 Q. What does this photograph depict?

6 A. This is a gold-colored Volkswagen Jetta vehicle.

7 Q. Where were you January 5th, 2015?

8 A. I was located in our surveillance van or truck
9 observing the entrance to Jordan's Family Restaurant, and
10 observed this car pull into the parking lot of Jordan's
11 Family Restaurant.

12 Q. Can you indicate where that surveillance van is on
13 this exhibit? You can just touch the screen.

14 A. (Indicating).

15:50:38 15 Q. And where is the front of the Jordan's Restaurant?

16 A. The front of the restaurant is near this white car
17 in front.

18 Q. Okay. What did you observe the morning of
19 January 5th, 2015 in the parking lot of Jordan's Family
15:50:52 20 Restaurant?

21 A. I observed a white male exit this gold Volkswagen
22 Jetta vehicle and walk into Jordan's Family Restaurant.

23 From the back, the white male walking into
24 the restaurant resembled all the pictures that I had
15:51:12 25 previously received of David Vickers.

1 Approximately 30 to 45 seconds after
2 entering Jordan's Family Restaurant, I observed the same
3 white male exit the restaurant. And at that time I was
4 able to identify David Vickers upon exiting.

15:51:36 5 At that time he went toward his vehicle,
6 and he was taken into custody at that time.

7 Q. Okay. Do you know someone by the name of David
8 Frattare?

9 A. Yes, I do.

15:51:51 10 Q. Who is David Frattare?

11 A. David Frattare is my boss. He is the commander of
12 state investigations for Ohio Internet Crimes Against
13 Children task force.

14 Q. And did he perform any investigation in this case?

15:52:04 15 A. Yes, he did.

16 Q. And what investigation did he perform?

17 A. At the time of the arrest, he was involved in
18 taking these photos that are seen on screen, as well as
19 taking the inventory of the Jetta, as well as doing
15:52:25 20 forensics on the iPhone that was in David Vickers'
21 possession at the time of his arrest.

22 Q. All right.

23 MR. McDONOUGH: May I have just a moment,
24 Your Honor?

15:52:37 25 THE COURT: Sure.

1 BY MR. McDONOUGH:

2 Q. Did you have, while you had the undercover profile
3 for 13-year-old Katie, any conversations with the
4 defendant regarding a cell phone?

15:53:19 5 A. Yes, I did.

6 Q. And what conversations did you have with the
7 defendant regarding a cell phone?

8 A. During the conversations on KIK between David
9 Vickers and the 13-year-old Katie profile, David Vickers
15:53:36 10 stated that he got Katie a cell phone and then
11 transmitted a picture of a box that said "Boost Mobile
12 phone" with a phone included inside.

13 Q. Turning your attention to Government's Exhibit 17,
14 Page 28.

15:54:01 15 Do you recognize that?

16 A. Yes, I do.

17 Q. This is the KIK communications between the
18 defendant and 13-year-old Katie?

19 A. Yes, it is.

15:54:11 20 Q. And can you tell us the conversation starting on
21 the left side of the page?

22 A. He said, "Hi, I talked to your mom but she ended
23 it, I think," with a frowny face. "Sorry, sweetie. I
24 got you some presents though."

15:54:31 25 I replied, "Hey, how's it going. My mom

1 told me you got me a phone. That's so cool."

2 He said, "Hey. And she wasn't supposed to
3 tell you. How are you?" With a smiley face.

4 Q. And turning your attention to Government's Exhibit
15:54:48 5 17, Page 137, looking on the right side of that page, do
6 you see the photograph?

7 A. Yes, I do.

8 Q. And what is that photograph?

9 A. The photograph depicts a box with a Boost
15:55:13 10 Smartphone being held by a hand.

11 Q. And what did the -- what did the defendant state to
12 13-year-old Katie before sending the picture of the cell
13 phone?

14 A. Before sending the picture of the cell phone, he
15:55:28 15 sent a winky face, "And get you pregnant. You ready for
16 that?"

17 Q. And turning your attention to Government's Exhibit
18 17, Page 138, left side of the page, do you recognize
19 that?

15:55:42 20 A. Yes, I do.

21 Q. What does that depict?

22 A. This is the same picture with the Boost Mobile
23 Smartphone depicted with a hand holding it.

24 Q. Okay.

15:56:01 25 MR. McDONOUGH: Just a moment, Your Honor.

1 THE COURT: Go ahead.

2 BY MR. McDONOUGH:

3 Q. All right. And lastly, the man that was arrested
4 January 5th, 2015 at Jordan's Family Restaurant was?

15:56:27 5 A. David Vickers.

6 MR. McDONOUGH: Okay. Thank you.

7 No further questions at this time, Your
8 Honor.

9 THE COURT: Could I see counsel, please,
15:56:34 10 side-bar?

11 (Proceedings at side-bar:)

12 THE COURT: Greg, I assume that you want to
13 start tomorrow morning.

14 MR. GREG McCORMACK: Yes, sir.

15:56:48 15 THE COURT: Okay. All right. Since we're
16 breaking early, you can pare it down, I'll give you some
17 time tonight to pare down your cross-examination, right?

18 MR. GREG McCORMACK: Yes, sir. I'm sure I
19 will use that.

15:57:03 20 THE COURT: All right. No problem.

21 So cross, redirect, maybe a couple
22 questions from them. Just trying to plan this out.

23 Kevin, we'll probably get to your witness
24 in the afternoon.

15:57:16 25 MR. FILIATRAUT: Okay.

1 THE COURT: That's the way it looks right
2 now.

3 MR. FILIATRAUT: I'm having him come at
4 10:00 just in case.

15:57:24 5 THE COURT: It won't be that fast.

6 MR. FILIATRAUT: Right.

7 THE COURT: Brian, I gave you, I think, my
8 latest revision on the jury instructions.

9 MR. McDONOUGH: Yes. I'll have those
15:57:33 10 corrected.

11 THE COURT: We're about there, so if you
12 can take a look at it. What I do is sit down with
13 everybody in chambers and powwow with everybody on the
14 jury instructions, make sure everybody is on the same
15:57:48 15 page, and I'll make my rulings.

16 Same protocol for tomorrow morning, and
17 I'll let the jury go for the evening.

18 Thanks, guys.

19 (End of side-bar conference).

15:57:55 20 THE COURT: Ladies and gentlemen, we're
21 sending you home at this point.

22 We will start cross-examination tomorrow
23 morning so as to not break that up.

24 We'll have you go home now and start that
15:58:04 25 tomorrow morning for cross.

1 So have a good evening. 8:30 tomorrow
2 morning in the jury room. We'll call you up.

3 (Jury out).

4 THE COURT: We are adjourned.

5 (Proceedings adjourned at 3:58 p.m.)

6 - - - - -

7 C E R T I F I C A T E

8 I certify that the foregoing is a correct
9 transcript from the record of proceedings in the
10 above-entitled matter.

11
12
13
14 /s/Susan Trischan

15 /S/ Susan Trischan, Official Court Reporter

16 Certified Realtime Reporter

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I N D E X**WITNESSES:****PAGE**

DIRECT EXAMINATION OF MIRANDA HELMICK 33

BY MR. McDONOUGH

DIRECT EXAMINATION OF MIRANDA HELMICK 112

(RESUMED)

BY MR. McDONOUGH

* * * * *